



Date Mailed: February 25, 2026
Docket No.: 26-003312
Case No.: [REDACTED]
Petitioner: [REDACTED]

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এটি একটি গুরুত্বপূর্ণ আইনি ডকুমেন্ট। দয়া করে কেউ দস্তাবেজ অনুবাদ করুন।

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Ky është një dokument ligjor i rëndësishëm. Ju lutem, kini dikë ta përktheni dokumentin.

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Case No.: [REDACTED]

Petitioner: [REDACTED]

HEARING DECISION

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, a hearing was held via telephone conference on February 23, 2026. Petitioner appeared and was unrepresented. Mr. Gehad appeared as Arabic interpreter for Petitioner. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Anthony White, Eligibility Specialist.

ISSUE

Did the Department properly determine Petitioner's eligibility for Food Assistance Program (FAP) benefits?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Petitioner was an ongoing recipient of FAP benefits for a household of one.
2. Petitioner's daughter, [REDACTED] [REDACTED] (Daughter), was [REDACTED] years old and lived with Petitioner.
3. Daughter attended college full-time and worked between five and seven hours per week.
4. On October [REDACTED] 2025, the Department received a change report from Petitioner that reported Daughter's change in employment. Exhibit A, pp. 7-8.
5. On November [REDACTED] 2025, the Department sent Petitioner a verification checklist (VCL) with a due date of December 1, 2025 that requested verification of Daughter's income from University of Michigan (Employer). Exhibit A, pp. 9-11.
6. On January [REDACTED] 2026, the Department sent Petitioner a Notice of Case Action (NOCA) that informed Petitioner her FAP benefits would close February 1, 2026 ongoing because she failed to verify Daughter's income. Exhibit A, pp. 12-15.

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7. On January 26, 2026, the Department received Petitioner's request for hearing that disputed the closure of her FAP case. Exhibit A, pp. 3-5.
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CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and Human Services Emergency Relief Manual (ERM).

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

In this case, Petitioner disputed the closure of her FAP benefits for failing to return verification of Daughter's income. The Department explained that Petitioner did not provide proof of Daughter's income in response to a VCL.

Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (October 2023), p. 1. To request verification of information, the Department sends a VCL which tells the client what verification is required, how to obtain it, and the due date. BAM 130, p. 3. The client is allowed 10 calendar days to provide the verification requested. Verifications are considered timely if received by the date they are due. BAM 130, p. 7. The Department sends a negative action notice when: the client indicates a refusal to provide a verification, or the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130, p. 7.

Here, Petitioner reported to the Department that Daughter began a paid internship with Employer and was averaging 5.5 hours per week. Based on that change report, the Department issued a VCL that requested verification of Daughter's income. The Department testified it did not receive the income verification and then closed Petitioner's FAP case. Petitioner disputed the Department's assertion that she failed to return the verification. At the hearing, the Department testified, and it was not disputed, that Petitioner was a household of one and that Daughter was an ineligible student.

Parents and their children under 22 years of age who live together must be in the same group regardless of whether the child(ren) have their own spouse or child who lives with the group. BEM 212 (June 2025), p. 1. Persons might live with the FAP group or applicant group who are not group members. BEM 212, p. 9. A person who is in student status and does not meet the criteria in BEM 245, School Attendance and Student Status, is an ineligible student and a non-group member. BEM 212, p. 10. The

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Department does not consider the income and assets of non-group members when determining the group's eligibility. BEM 212, p. 9. Although Petitioner reported Daughter's change in employment, the Department did not establish that it was necessary to verify Daughter's income because Daughter was a non-group member and her income is not considered for purposes of determining Petitioner's eligibility. Therefore, the issuance of the VCL requesting verification of Daughter's income was unnecessary. We do not reach the issue of whether Petitioner timely returned the verification of income because the Department did not establish that it acted in accordance with Department policy when it initially issued the VCL.

DECISION AND ORDER

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not establish that it acted in accordance with Department policy when it determined Petitioner's eligibility for FAP benefits.

Accordingly, the Department's decision is **REVERSED**.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Redetermine Petitioner's eligibility for FAP benefits effective February 1, 2026 ongoing in accordance with Department policy;
2. If Petitioner is eligible for FAP benefits, supplement Petitioner for FAP benefits she is eligible to receive from February 1, 2026 ongoing; and
3. Notify Petitioner in writing of its decision.



JULIA NORTON
ADMINISTRATIVE LAW JUDGE

APPEAL RIGHTS: Petitioner may appeal this Hearing Decision to the circuit court. Rules for appeals to the circuit court can be found in the Michigan Court Rules (MCR), including MCR 7.101 to MCR 7.123, available at the Michigan Courts website at courts.michigan.gov. The Michigan Office of Administrative Hearings and Rules (MOAHR) cannot provide legal advice, but assistance may be available through the State Bar of Michigan at <https://rs.michbar.org> or Michigan Legal Help

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at <https://michiganlegalhelp.org>. A copy of the circuit court appeal should be sent to MOAHR. A circuit court appeal may result in a reversal of the Hearing Decision. _____

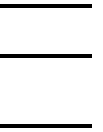
Either party who disagrees with this Hearing Decision may also send a written request for a rehearing and/or reconsideration to MOAHR within 30 days of the mailing date of this Hearing Decision. The request should include Petitioner's name, the docket number from page 1 of this Hearing Decision, an explanation of the specific reasons for the request, and any documents supporting the request. The request should be sent to MOAHR _____

- by email to MOAHR-BSD-Support@michigan.gov, **OR**
- by fax at (517) 763-0155, **OR**
- by mail addressed to
Michigan Office of Administrative Hearings and Rules
Rehearing/Reconsideration Request
P.O. Box 30639
Lansing Michigan 48909-8139

Documents sent via email are not secure and can be faxed or mailed to avoid any potential risks. Requests MOAHR receives more than 30 days from the mailing date of this Hearing Decision may be considered untimely and dismissed.

Via Electronic Mail:

Respondent
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Via First Class Mail:

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]