



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

SHELLY EDGERTON
DIRECTOR



Date Mailed: November 7, 2016
MAHS Docket No.: 16-014456
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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 telephone hearing was held on October 31, 2016, from Detroit, Michigan. The Petitioner was represented by Petitioner. [REDACTED] [REDACTED] also appeared on behalf of Petitioner. The Department of Health and Human Services (Department) was represented by [REDACTED], Family Independence Specialist and [REDACTED], Family Independence Manager.

ISSUE

Did the Department properly close Petitioner's FAP and CDC 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 a FAP and CDC recipient.
2. On [REDACTED], the Department sent Petitioner a Redetermination which was required to be returned and submitted on or before [REDACTED].
3. The Department did not receive the Redetermination, and on [REDACTED], sent Petitioner a Notice of Case Action which notified Petitioner that her CDC benefits would close effective [REDACTED].

4. On [REDACTED], Petitioner filed a Request for Hearing disputing the Department's actions.

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.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, 42 USC 601-619, 670-679c, and 1397-1397m-5; the Child Care and Development Block Grant of 1990, PL 101-508, 42 USC 9858 to 9858q; and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193. The program is implemented by 45 CFR 98.1-99.33. The Department administers the program pursuant to MCL 400.10 and provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001-.5020.

In this case, the Department sent Petitioner a Redetermination on [REDACTED]. The Redetermination was required to be returned on or before [REDACTED]. Petitioner confirmed that the address the Redetermination was sent was her mailing address. However, Petitioner testified that she did not physically live at that address. Petitioner indicated that her mother and grandmother resided at that address.

On [REDACTED], the Department sent Petitioner a Notice of Case Action which informed Petitioner that her CDC benefits would close effective [REDACTED]. Under Department policy, for FAP benefits only, if a client files an application for redetermination before the end of the benefit period, but fails to take a required action, the case is denied at the end of the benefit period. Accordingly, no Notice of Case Action would have been sent and Petitioner's FAP benefits would have simply closed at the end of the benefit period. BAM 210 (July 2016), p. 2016.

The Department testified that it had previously received return mail from the mailing address provided by Petitioner but did not receive the Redetermination back as returned for any reason. Petitioner testified that she did not receive the Redetermination but acknowledged that it could have been misplaced or simply not given to her by her relatives.

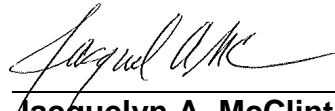
As such, it is found that the Department acted properly when it sent the Redetermination to Petitioner's mailing address and further properly closed Petitioner's FAP benefits and CDC benefits for failing to return the Redetermination.

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 acted in accordance with Department policy when it closed Petitioner's CDC and FAP benefits.

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

JM/hw



Jacquelyn A. McClinton
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; Attention: MAHS Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

DHHS

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]