



RICK SNYDER
GOVERNOR

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

MIKE ZIMMER
DIRECTOR

[REDACTED]

Date Mailed: March 18, 2016
MAHS Docket No.: 16-000569
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 March 16, 2016, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED] Hearings Facilitator. [REDACTED], Petitioner's daughter, served as Chaldean interpreter and also testified.

ISSUE

Did the Department properly close Petitioner's FAP case for failing to submit redetermination forms?

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 recipient of FAP benefits.
2. On October 13, 2015, a Redetermination Telephone Interview Notice was sent to Petitioner with a November 2, 2015, phone interview date and instructions to submit the forms prior to the interview.
3. Petitioner's FAP Certification period ended on November 30, 2015, after redetermination forms were not received.
4. Petitioner submitted the redetermination forms on December 16, 2015.

5. Petitioner reapplied and FAP benefits were approved on February 5, 2016.
6. Petitioner requested hearing on January 14, 2016.

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.

Actions Not Requiring Notice FAP Only

A notice of case action is **not** sent in the situations below. The action must take effect no later than the month after the change.

- The FAP certification period has expired and redetermination application was not filed.
BAM 220

In this case, at hearing Petitioner's daughter explained that she and her brother were away for a few weeks during the time period in question and Petitioner's language barrier prevented her from being able to understand what the Department required. That is why the redetermination forms were not submitted timely. Unfortunately, Department policy requires that redetermination forms be submitted prior to the end of the certification period to prevent the case from closing. When the forms were not submitted prior to the deadline, the case closed. This was consistent with Department policy and was proper and correct. BAM 220

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 FAP case for failing to provide redetermination forms prior to end of the certification period.

DECISION AND ORDER

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

AM/las



Aaron McClintic
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).

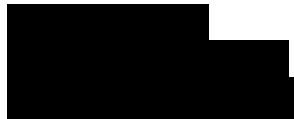
A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for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



Petitioner

