



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR

[REDACTED]  
[REDACTED] [REDACTED]  
[REDACTED]

Date Mailed: May 9, 2017  
MAHS Docket No.: 17-002518  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Christian Gardocki

### **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 [REDACTED], from Detroit, Michigan. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by [REDACTED], specialist, and [REDACTED], specialist.

### **ISSUE**

The issue is whether MDHHS properly terminated Petitioner's Food Assistance Program (FAP) eligibility.

### **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 FAP recipient.
2. Petitioner's FAP eligibility was scheduled to expire beginning [REDACTED].
3. On an unspecified date, Petitioner changed residences.
4. Petitioner did not report to MDHHS a change in address before [REDACTED].
5. On [REDACTED], MDHHS mailed Petitioner redetermination documents.

6. Petitioner did not return redetermination documents to MDHHS before [REDACTED].
7. MDHHS did not redetermine Petitioner's FAP eligibility for [REDACTED].
8. On [REDACTED], Petitioner requested a hearing to dispute the expiration of FAP benefits.

### **CONCLUSIONS OF LAW**

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. MDHHS (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. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing to dispute an expiration of FAP benefits. MDHHS testimony indicated the termination was caused by Petitioner's alleged failure to return redetermination documents.

For all programs, Bridges generates a redetermination packet to the client three days prior to the negative action cut-off date in the month before the redetermination is due. BEM 210 (July 2015), p. 6. The packet is sent to the mailing address in Bridges. *Id.*

[For FAP benefits,] the redetermination process begins when the client files a DHS-1171, Assistance Application; DHS-1010, Redetermination; DHS-1171, Filing Form; or DHS-2063B, Food Assistance Benefits Redetermination Filing Record. BAM 210 (July 2016), p. 3. Benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. *Id.*

MDHHS presented the first page of a Redetermination Telephone Interview (Exhibit 1, p.1) dated [REDACTED]. MDHHS presented the document to show that mandatory redetermination documentation was mailed to Petitioner. The address listed on the form was Petitioner's former mailing address.

MDHHS presented a copy of an envelope (Exhibit 1, p. 2) that held the Redetermination Telephone Interview mailed to Petitioner. The document was returned to MDHHS with a sticker from the United States Postal Service indicating the mailing was "not deliverable" as addressed.

Petitioner testimony conceded not receiving the redetermination documentation. Petitioner testimony also conceded she did not return redetermination documentation before the expiration of her FAP benefit period. Petitioner testimony conceded MDHHS sent the redetermination documents to the address she most recently reported to

MDHHS. These considerations support finding that MDHHS properly allowed Petitioner's FAP eligibility to expire.

Petitioner's only argument to the benefit expiration was that she changed her address with SSA before MDHHS mailed redetermination documentation. Petitioner testimony implied that a reported change in address with SSA should serve as a change in address with MDHHS.

Clients must report changes in circumstance that potentially affect eligibility or benefit amount. BAM 105 (May 2012), p. 7. Changes must be reported within 10 days of receiving the first payment reflecting the change. *Id.*

MDHHS and SSA may provide some overlapping services, however, no known MDHHS policy allows a reported change to SSA to serve as a reported change to MDHHS. It is found that a reported change in address to SSA does not satisfy the change reporting requirements of MDHHS. Accordingly, it is found that MDHHS properly allowed Petitioner's FAP eligibility to expire.

#### **DECISION AND ORDER**

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly terminated Petitioner's FAP benefits, effective [REDACTED]. The actions taken by MDHHS are **AFFIRMED**.

CG/hw



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**Christian Gardocki**

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]

**Petitioner**

[REDACTED]