



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
DETROIT

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: October 6, 2017
MAHS Docket No.: 17-011553
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Ellen McLemore

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; 42 CFR 438.400 to 438.424; 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 4, 2017, from Detroit, Michigan. Petitioner was present and represented herself. The Department of Health and Human Services (Department) was represented by Heidi Ward, Eligibility Specialist, and Richard Smith, Eligibility Specialist.

ISSUE

Did the Department properly allow Petitioner's Food Assistance Program (FAP) benefit case to expire?

FINDINGS OF FACT

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

1. On June 5, 2017, the Department sent Petitioner a Redetermination form advising her to complete the form and that she had an interview scheduled on [REDACTED], 2017 (Exhibit A).
2. On June 5, 2017, the Department sent Petitioner a Food Assistance Benefits Redetermination Filing Record informing her that her FAP benefit case will end July 31, 2017; and she must complete the Redetermination (Exhibit C).
3. Petitioner did not attend her scheduled interview on [REDACTED] 2017; and the Department sent her a Notice of Missed Interview on the same date (Exhibit E).

4. On July 19, 2017, Petitioner contacted the Department; and she was advised she must complete the Redetermination by July 31, 2017 (Exhibit F).
5. Petitioner did not submit her Redetermination prior to July 31, 2017 (Exhibit D).
6. Petitioner's FAP benefit case closed effective July 31, 2017.
7. Petitioner submitted a request for hearing on August 18, 2017, 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 Department must periodically redetermine or renew an individual's eligibility for active programs. BAM 210 (April 2017), p. 1. Redetermination, renewal, semi-annual and mid-certification forms are often used to redetermine eligibility of active programs. BAM 210, p. 1. A complete redetermination/renewal is required at least every 12 months. BAM 210, p. 1. For FAP cases, benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. BAM 210, p. 1. If a client does not begin the redetermination process, the benefit period will be allowed to expire. BAM 210, p. 1.

On June 5, 2017, the Department sent Petitioner a Redetermination form to be completed. On the form, Petitioner was advised that she must attend an interview on [REDACTED], 2017. On June 5, 2017, the Department sent Petitioner a Food Assistance Benefits Redetermination Filing Record informing her that her FAP benefits will expire on July 31, 2017; and she must complete the Redetermination.

Petitioner failed to attend the [REDACTED], 2017 interview. As a result, the Department sent Petitioner a Notice of Missed Interview on [REDACTED], 2017. Petitioner contacted the Department on July 19, 2017, regarding the missed interview. Petitioner informed the Department that she had the Redetermination paperwork but wasn't aware she had to complete the form. The Department advised Petitioner that she must complete the paperwork and have it submitted to the Department by July 31, 2017.

The Department did not have record of Petitioner submitting her Redetermination form prior to July 31, 2017. As a result, the Department allowed Petitioner's FAP benefit case to expire.

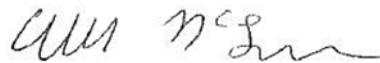
Petitioner stated at one point that she received the Redetermination paperwork and then later contradicted herself by indicating she did not receive the paperwork. Petitioner agreed that she spoke with the Department on July 19, 2017, and was advised she must complete the paperwork by July 31, 2017. Petitioner testified she went to a Department location on July 21, 2017. Petitioner stated she completed and submitted a form on that date. Petitioner was unsure as to whether the form was a Redetermination or Application but continued to refer to it as an Application.

The Department provided sufficient evidence that Petitioner did not submit the Redetermination prior to the expiration for her FAP benefit period. Therefore, the Department acted in accordance with policy when it allowed Petitioner's FAP benefit case to expire.

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 allowed Petitioner's FAP benefit case to expire as of July 31, 2017.

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



EM/jaf

Ellen McLemore
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

MDHHS-Eaton-Hearings

Petitioner



BSC4
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