



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: February 26, 2018
MAHS Docket No.: 18-000697
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler

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 February 21, 2018, from Detroit, Michigan. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by [REDACTED] Family Independence Manager.

ISSUE

1. Did the Department properly close Petitioner's Food Assistance Program (FAP) case effective November 30, 2017?
2. Did the Department properly issue FAP benefits for December 2017 and January 2018?

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 October 4, 2017, the Department issued a Redetermination with a completion due date and an interview scheduled for November 2, 2017.
2. Petitioner did not timely return the Redetermination form nor did she complete her interview.

3. Petitioner's FAP benefits case was closed effective December 1, 2017, for failure to return the Redetermination form and failure to reschedule or complete the interview.
4. On December 15, 2017, Petitioner spoke with her case worker about the FAP case closure.
5. On December 18, 2017, Petitioner spoke with her case worker's supervisor about the FAP case closure, then filed a new application for FAP benefits.
6. On December 19, 2017, the Department issued a Notice of Case Action notifying Petitioner that she was approved for \$ [REDACTED] in prorated FAP benefits for December 2017, and \$ [REDACTED] in FAP benefits beginning January 2018 through November 2018.
7. On January 17, 2018, the Department issued a new Notice of Case Action indicating Petitioner was approved for continuing FAP benefits at a rate of \$ [REDACTED] per month.
8. On January 17, 2018, Petitioner verbally filed her hearing request with the Department disputing the closure of her FAP case effective December 1, 2017, and no receipt of benefits in January 2018.

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 disputes the closure of her FAP case effective December 1, 2017, and indicates that the Department failed to pay her for her FAP benefits in January 2018.

Petitioner's FAP case was closed effective December 1, 2017, because the Department did not receive the completed Redetermination, due by November 2, 2017. While Petitioner states she attempted to call the Department, she is unable to identify the dates and times of her calls. In addition, she did not submit the completed

Redetermination until December 15, 2017, 43 days beyond its due date, and 15 days beyond the end of the benefit period.

The Department must periodically redetermine or renew an individual's eligibility for active programs. BAM 210 (October 2017), p. 1. Benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. BAM 210, p. 3. If a client does not begin the redetermination process, the benefit period is allowed to expire. *Id.* The redetermination process begins when the client files an assistance application, redetermination, filing form, or food assistance benefits redetermination filing record. *Id.* In order to receive uninterrupted benefits, the client must file the completed redetermination by the 15th of the redetermination month. BAM 210, p. 15. 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. BAM 210, p. 20.

In this case, the Petitioner did not submit a completed redetermination until after her benefit period ended. Therefore, the Department properly closed her FAP case at the end of her benefit period. *Id.*

After the closure of her FAP case, Petitioner submitted a new application for benefits dated December 18, 2017. The Department timely processed the application and issued a Notice of Case Action dated December 19, 2017. The Notice of Case Action indicated that Petitioner was eligible for \$ [REDACTED] for the remainder of December 2017 and \$ [REDACTED] per month beginning January 2018 ongoing. The Notice of Case Action also indicated on page two of the document that Petitioner's FAP benefits "for the month of 12/2017 and 01/2018 are being issued at the same time. If you are eligible for ongoing benefits, they will be issued based on the Electronic Benefit Transfer (EBT) Benefit Deposit date below." At the bottom of page two, the Notice of Case Action states that Petitioner's FAP benefits are available on the 17th of each month.

At the hearing, Petitioner accused the Department of altering the Notice of Case Action after mailing it to her but provided no evidence to support that allegation. However, Petitioner admits that she received approximately \$ [REDACTED] in FAP benefits for the month of December. She believed that the extra money was the result of benefits owed to her after the closure of her case. Policy provides that the Department will prorate initial benefits based upon the date eligibility begins. BAM 406 (July 2013), p. 2. In this case, since Petitioner's original FAP case closed effective December 1, 2017, her new eligibility began upon processing of her completed application, December 18, 2017. It should be noted that the Notice of Case Action clearly outlines that \$ [REDACTED] of the benefits received in December 2017 are for December 2017 and \$ [REDACTED] of the benefits received in December 2017 are for January 2018. It is more likely that Petitioner simply missed the note on page two of the Notice of Case Action rather than someone altering the Notice of Case Action after mailing to appear more favorable to the Department for the hearing.

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 FAP benefits case as of December 1, 2017, and when it issued benefits to Petitioner in December 2017 for both December 2017 and January 2018.

DECISION AND ORDER

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



AM/

Amanda M. T. Marler
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]
[REDACTED]
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