



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]

Date Mailed: October 17, 2018
MAHS Docket No.: 18-009532
Agency No.: [REDACTED]
Petitioner: [REDACTED] [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9, 7 CFR 273.15, and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on October 17, 2018, from Lansing, Michigan. [REDACTED] [REDACTED] Petitioner, appeared and represented himself. Corey Reed, Lead Worker, appeared and represented the Department. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. An August 2, 2018, Hearing Decision was admitted as Exhibit A.

ISSUE

Did the Department comply with the August 2, 2018, Hearing Decision?

Did the Department properly close Petitioner's Food Assistance Program (FAP) case?

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 July 1, 2018, the Department closed Petitioner's FAP case. The Department did not notify Petitioner that it was going to close his FAP case.
2. On August 2, 2018, a Hearing Decision was issued which ordered the Department to recalculate Petitioner's June 2018 FAP benefit rate and notify Petitioner of its decision in writing.
3. On August 28, 2018, the Department recalculated Petitioner's FAP benefit rate for June 2018. The Department calculated that Petitioner's countable income

was \$639.00 based on an earned income of \$ [REDACTED] an earned income deduction of \$ [REDACTED] a standard deduction of \$160.00, and an excess shelter deduction of \$103.00. Based on Petitioner's countable income and his group size of 1, the Department determined that Petitioner was eligible for a FAP benefit of \$15.00 for June 2018. The Department did not notify Petitioner of its decision in writing.

4. On September 12, 2018, Petitioner requested a hearing to dispute the Department's closure of his FAP case and the Department's failure to comply with the August 2, 2018, Hearing Decision.

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 implement a hearing decision within 10 days of the date the decision is mailed. BAM 600 (July 1, 2018), p. 42. If a hearing decision requires a redetermination, then the Department must send the client a notice of case action. *Id.* Here, a Hearing Decision was issued on August 2, 2018, which instructed the Department to recalculate Petitioner's June 2018 FAP benefit amount and then issue a written notice to Petitioner. The Department did not issue a written notice to Petitioner. Since the Department did not issue a written notice to Petitioner, the Department did not act in accordance with BAM 600. This case must be returned to the Department again, so the Department can issue the required notice. Upon return, the Department is expected to issue a written notice to Petitioner which notifies Petitioner of his June 2018 FAP benefit amount as recalculated and includes the budget the Department used to recalculate Petitioner's FAP benefit for June 2018.

Petitioner asserted that the Department improperly closed his FAP case without notice to him. FAP cases close at the end of a benefit period unless a redetermination is completed, and a new benefit period is certified. BAM 210 (January 1, 2018), p. 3. A notice of case action is not sent when a FAP case closes due to the expiration of a benefit period without a completed redetermination/application. BAM 220 (July 1, 2018), p. 5. Here, the Department closed Petitioner's FAP case at the close of his benefit period (June 30, 2018) without giving Petitioner any notice. However, according to the Hearing Decision issued on August 2, 2018, the Department had received a

completed redetermination from Petitioner on May 22, 2018, so the Department should not have closed Petitioner's FAP case without notice. The Department did not provide any explanation for why it closed Petitioner's case without notice. Thus, I must find that the Department's closure was not in accordance with its policies.

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 did not comply with the August 2, 2018, Hearing Decision and did not act in accordance with its policies and the applicable law when it closed Petitioner's FAP case.

IT IS ORDERED the Department shall initiate the issuance of a written notice to Petitioner with sufficient information to notify Petitioner of his June 2018 FAP benefit amount and the budget the Department used to determine it.

IT IS FURTHER ORDERED that the Department shall initiate a review of its closure of Petitioner's FAP case.

JK/nr



Jeffrey Kemm
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) 763-0155; 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

Tara Roland 82-17
8655 Greenfield
Detroit, MI
48228

Wayne 17 County DHHS- via electronic
mail

BSC4- via electronic mail

M. Holden- via electronic mail

D. Sweeney- via electronic mail

Petitioner

[REDACTED]
[REDACTED]
[REDACTED], MI
[REDACTED]