



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

Date Mailed: November 16, 2018
MAHS Docket No.: 18-010597
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: John Markey

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 November 13, 2018, from Lansing, Michigan. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Richkelle Curney, Hearings Facilitator. During the hearing, a 14-page packet of documents was offered and admitted as Exhibit A, pp. 1-14.

ISSUE

Did the Department properly process Petitioner's Food Assistance Program (FAP) benefits case at redetermination?

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 recipient of FAP benefits.
2. On August 4, 2018, the Department issued to Petitioner a Redetermination in order to gather from Petitioner relevant information regarding Petitioner's ongoing eligibility for FAP benefits. Exhibit A, pp. 5-12.
3. On September 5, 2018, the Department issued to Petitioner a Notice of Missed Interview informing Petitioner that she missed her scheduled redetermination

interview and must reschedule it before September 30, 2018, or her case would close. Exhibit A, p. 13.

4. On September 19, 2018, Petitioner returned to the Department the completed Redetermination. Exhibit A, pp. 5-12.
5. The Department failed to process Petitioner's returned Redetermination in a timely manner, causing her FAP case to close in error.
6. On [REDACTED], 2018, Petitioner submitted to the Department a request for hearing objecting to the Department's closure of her FAP case.

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 objects to the closure of her FAP case based on her alleged failure to complete the redetermination process.

Benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. BAM 210 (January 2018), p. 3. If the client does not begin the redetermination process, the benefit period expires, and the FAP case is closed. BAM 210, p. 3. The redetermination process begins when the client files a completed Redetermination form with the Department. BAM 210, p. 3.

Petitioner's benefit period was set to expire on September 30, 2018. On that date, the redetermination process was not complete because the Department did not process Petitioner's Redetermination submission in a timely manner. Additionally, by the time the benefit period expired, Petitioner had not participated in a redetermination interview, nor had she verified asset information, which is essential to determining whether Petitioner was eligible for FAP benefits going forward. Thus, the Department closed Petitioner's FAP case at the expiration of her benefit period on September 30, 2018.

At the hearing, the Department acknowledged that it failed to properly process Petitioner's September 19, 2018, Redetermination submission. Further, the Department conceded that it closed Petitioner's FAP in error and subsequently reopened the case.

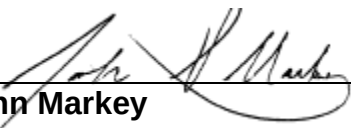
As Petitioner and the Department are in agreement regarding the subsequent reopening of Petitioner's FAP case, I will leave those decisions undisturbed.

Much of the hearing focused on events that occurred after Petitioner's [REDACTED], 2018, hearing request. The issues raised, however, are not properly before the undersigned. The matter is still pending as the parties agreed that the redetermination process is still ongoing. It appears as though the only remaining issues pertain to a request for verification of Petitioner's assets in a Chase bank account. However, that issue is not ripe, as no decision has been made regarding the adequacy or timeliness of Petitioner's verifications. If Petitioner receives a decision from the Department that she disagrees with, she may always request another hearing.

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 closed and then reopened Petitioner's FAP case. Accordingly, the Department's decision is **AFFIRMED**.

JM/dh



John Markey
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 County (District 17), DHHS

BSC4 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]