



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED], MI [REDACTED]

Date Mailed: March 8, 2019
MAHS Docket No.: 19-000712
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 27, 2019, from Lansing, Michigan. Petitioner was represented by herself and family friend, [REDACTED]. The Department of Health and Human Services (Department) was represented by Kelly Hudson, Family Independence Manager and Sharon Border, Eligibility Specialist.

ISSUE

Did the Department properly allow Petitioner's Food Assistance Program (FAP) benefits to expire because she did not submit the Redetermination Application, DHS-1010, by the due date?

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 a recipient of FAP benefits with a redetermination due on November 2018.
2. On October 4, 2018, the Department Caseworker sent Petitioner a DHS-1010 that was due on November 5, 2018. Department Exhibit 1, pgs. 13-20.
3. On November 5, 2018, the Department Caseworker sent Petitioner a Notice of Missed Interview, DHS-254, that Petitioner has missed her scheduled interview to redetermine FAP benefits. The notice stated, "It was now your responsibility to

reschedule the interview before 12/31/2018, or your application/redetermination will be denied". Department Exhibit 1, pg. 22.

4. On January 18, 2019, the Department received a hearing request from Petitioner contesting the Department's negative action.
5. On January 28, 2019, the Department Caseworker sent Petitioner a Quick Note, DHS-100, that her FAP case closed effective December 31, 2018, due to MDHHS not receiving the required 2018 Redetermination packet by the November 5, 2018, due date. Department Exhibit 1, pg. 11.

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 was a recipient of FAP benefits with a redetermination due on November 2018. On October 4, 2018, the Department Caseworker sent Petitioner a DHS-1010 that was due on November 5, 2018. Department Exhibit 1, pgs. 13-20. The Department did not receive DHS-1010 back by the due date of November 5, 2018. On November 5, 2018, the Department Caseworker sent Petitioner a Notice of Missed Interview, DHS-254, that Petitioner has missed her scheduled to redetermine FAP benefits. The notice stated, "It was now your responsibility to reschedule your interview before 12/31/2018 or your application/redetermination will be denied". Department Exhibit 1, pg. 22. On January 28, 2019, the Department Caseworker sent Petitioner a Quick Note, DHS-100, that her FAP closed effective December 31, 2018, due to MDHHS not receiving the required 2018 Redetermination packet by the November 5, 2018 due date. Department Exhibit 1, pg. 11.

During the hearing, Petitioner stated that she did not receive the Quick Note and Notice of Missed Interview in the mail. She did receive the DHS-1010 in the mail. It was confirmed that Petitioner address is the same on all of the notices of [REDACTED], SE, Grand Rapids, MI 49507. Petitioner stated that she dropped the DHS-1010 in the drop box when the office was closed for one of the snow days. The Department Caseworker testified that the Department did not receive the DHS-1010 and provided a printout of Petitioner's Electronic Case File (ECF). Department Exhibit 1, pg. 21.

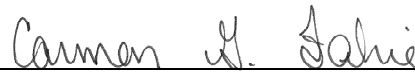
This Administrative Law Judge finds that the Department did not receive the DHS-1010 that Petitioner dropped in the drop box. Petitioner should have followed up with her Department Caseworker to make sure that the required forms were received. In addition, the Department Caseworker sent Petitioner a missed interview notice and a quick note to let her know that the Department did not receive her required DHS-1010. Petitioner stated that she did not receive the two notices, but her address was confirmed during the hearing and the Department did not receive any mail back as undeliverable. Petitioner is eligible to reapply for FAP benefits.

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 benefits to expire on December 31, 2018, because she did not submit the required DHS-1010 by the due date.

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

CF/hb



Carmen G. Fahie
Administrative Law Judge
for Robert Gordon, 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

Kimberly Kornoelje
121 Franklin SE
Grand Rapids, MI 49507

Kent County, DHHS

BSC3 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

Petitioner

[REDACTED], MI [REDACTED]