



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: April 5, 2019
MAHS Docket No.: 19-001752
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 March 27, 2019, from Detroit, Michigan. Petitioner appeared and was represented by [REDACTED], Authorized Hearing Representative. The Department of Health and Human Services (Department) was represented by Tiffany Willingham, Eligibility Specialist, and Dionere Craft, Hearings Facilitator. During the hearing, a 16-page packet of documents was offered and admitted into evidence as Exhibit A, pp. 1-16.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) benefits case, effective January 1, 2019?

Did the Department properly determine Petitioner's eligibility for FAP benefits based on Petitioner's January 28, 2019, application?

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 from the Department with a benefit period certified through December 31, 2018.
2. On November 5, 2018, the Department issued to Petitioner at his address of a record a Redetermination form in order to gather relevant information regarding

Petitioner's ongoing eligibility for FAP benefits. The completed form was required to be returned to the Department by December 3, 2018. The document informed Petitioner that failure to timely complete the Redetermination process would result in the closure of his FAP case, effective January 1, 2019. Exhibit A, pp. 8-15.

3. Petitioner did not return the Redetermination, and his FAP benefits case closed, effective January 1, 2019.
4. On [REDACTED], 2019, Petitioner applied for FAP benefits from the Department. Exhibit A, p. 16.
5. On February 4, 2019, the Department issued to Petitioner a Notice of Case Action informing Petitioner that he was approved for \$24 in FAP benefits for the time period from January 28, 2019, through January 31, 2019. Additionally, Petitioner was informed that he was eligible for \$192 in FAP benefits per month from February 1, 2019, through December 31, 2020. Exhibit A, pp. 4-7.
6. On [REDACTED] 2019, Petitioner submitted to the Department a request for hearing objecting to the Department's actions in this case. Specifically, Petitioner requested a supplement to cover the time period in January 2019 when he was not getting benefits. Prior to January 2019 and after January 2019, Petitioner received the maximum amount of FAP benefits allowable to a group of one.

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 had an ongoing FAP benefits case with a certified benefit period set to expire on December 31, 2018. As part of the recertification process, the Department sent to Petitioner a blank Redetermination form on November 5, 2018. Petitioner was instructed to complete the Redetermination and return it to the Department by December 3, 2018. Petitioner was warned that if his benefit period expired without having completed the Redetermination process, his case would close. Petitioner did not return the completed Redetermination, and his FAP benefits case closed at the expiration of his benefit period, effective January 1, 2019. Petitioner subsequently reapplied for FAP benefits on [REDACTED], 2019, and was approved for the

maximum benefits possible, effective February 1, 2019. However, Petitioner only received \$24 in FAP benefits for the period from January 28, 2019, through January 31, 2019. Petitioner challenged the Department's actions and requested a supplement for the month of January 2019.

FAP CLOSURE, EFFECTIVE JANUARY 1, 2019

The Department must redetermine or renew a client's eligibility for FAP benefits by the end of each benefit period. BAM 210 (January 2018), pp. 1, 3. The redetermination process includes thorough review of all eligibility factors. BAM 210, p. 1. In order to certify a new benefit period, the Department must receive the completed form along with all required verifications. BAM 210, p. 11. If a redetermination is not completed and a new benefit period certified, FAP benefits stop at the end of the benefit period, and the client loses his or her right to uninterrupted FAP benefits. BAM 210, pp. 3, 21.

The Department issued to Petitioner the Redetermination in a timely manner. It was sent to Petitioner's home address of record. Petitioner did not return the completed Redetermination form by the time his benefit period expired, which was December 31, 2018. Accordingly, the Department could not certify a new benefit period, and Petitioner's FAP case was closed, effective January 1, 2019.

The Department followed Department policy by closing Petitioner's FAP case for failing to return the Redetermination before his benefit period expired. Accordingly, the Department's decision to close the case is affirmed.

Petitioner sought to have his FAP benefits case reinstated based on his [REDACTED] application for FAP benefits. Reinstatement restores a closed program to active status. However, as stated above, a client loses his or her right to uninterrupted FAP benefits if the Redetermination process is not completed by the end of the benefit period. Thus, the Department appropriately did not issue a supplement to Petitioner to cover January 1, 2019, through January 27, 2019.

Petitioner argued at the hearing that the failure to complete the Redetermination process was not the fault of Petitioner but rather a problem of mail delivery. Additionally, on Petitioner's request for hearing, Petitioner stated that "I...did not receive notification timely due to late mail delivery." However, Petitioner also stated that he was not checking his mail regularly. As the document was properly addressed and Petitioner admitted that he was not regularly checking his mail during the time, it is found that the Redetermination was properly served. Accordingly, the closure, effective January 1, 2019, and the denial of the issuance of a supplement were supported by law and policy.

FAP BENEFITS DETERMINATION, JANUARY 28, 2019, THROUGH JANUARY 31, 2019

After Petitioner's FAP case closed, effective January 1, 2019, Petitioner submitted a [REDACTED] 2019, application to the Department. Shortly thereafter, the Department issued a Notice of Case Action approving him for \$192 per month, effective February 1, 2019, and \$24 for the period from January 28, 2019, through January 31, 2019. Petitioner does not challenge the determination of his benefits for February 1, 2019, ongoing. Rather, he objects to the amount of FAP benefits he received for January 28, 2019, through January 31, 2019.

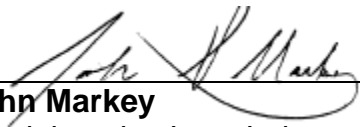
Petitioner was found to have no net income after taking into consideration Petitioner's expenses and the applicable deductions. Thus, Petitioner is eligible for the maximum amount of FAP benefits for his group size, which is \$192. RFT 260 (October 2018), p. 1. When an eligible client applies for FAP benefits, the Department prorates benefits for the month of application beginning with the date of application. BAM 115 (October 2018), p. 28.

Petitioner applied for FAP benefits on [REDACTED], 2019 and was approved for the maximum amount available, \$192 per month for full months. January has 31 days. Accordingly, Petitioner's FAP benefits for January 2019 must be prorated from January 28, 2019, through January 31, 2019, which includes four days. \$192 per month in FAP benefits is equal to a daily FAP benefit of \$6.19. As Petitioner was eligible for four days of benefits in January 2019, Petitioner's January 2019 FAP allotment should equal that daily FAP amount times four. \$6.19 times four days equals \$24.76. Per Department policy, the Department drops the cents and issues the whole dollar amount remaining. BEM 556 (April 2018), p. 6. In this case, Petitioner was approved for \$24, which was correct. Accordingly, the Department is affirmed.

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 with respect to actions taken concerning Petitioner's FAP benefits for the month of January 2019. Accordingly, the Department's decision is **AFFIRMED**.

JM/cg



John Markey
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

Via Email:

MDHHS-Wayne-55-Hearing Decisions
M. Holden
D. Sweeney
BSC4- Hearing Decisions
MAHS

**Petitioner –
Via First-Class Mail:**

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**Authorized Hearing Rep. –
Via First-Class Mail:**

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