



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

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

Date Mailed: May 22, 2019
MOAHR Docket No.: 19-003820
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, telephone hearing was held on May 15, 2019, from Lansing, Michigan. Petitioner was represented by herself. The Department was represented by Brenda Drewnicki.

ISSUES

Did the Department of Health and Human Services (Department) properly close Petitioner's Food Assistance Program (FAP) benefits?

Did the Department properly determine Petitioner's eligibility for Food Assistance Program (FAP) benefits after she reapplied for benefits?

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's Food Assistance Program (FAP) benefits closed effective January 31, 2019, for failing to return a redetermination form.
2. On [REDACTED], 2019, the Department received Petitioner's application for assistance.
3. On March 7, 2019, the Department notified Petitioner that she was approved for Food Assistance Program (FAP) benefits with a monthly allotment of \$161 effective March 6, 2019, based on a net income of \$0.

4. On March 11, 2019, the Department notified Petitioner that she was approved for Food Assistance Program (FAP) benefits with a \$192 monthly allotment effective April 1, 2019.
5. Petitioner receives monthly Supplemental Security Income (SSI) in the gross monthly amount of \$743.50, State Supplemental Security Income (SSP) in the gross monthly amount of \$14, and a pension in the gross monthly amount of \$47.50.
6. Petitioner's monthly housing expenses is \$1,105 and utility expense are paid separately from housing.
7. On April 10, 2019, the Department received Petitioner's request for a hearing.

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.

Clients must cooperate with the local office in determining initial and ongoing eligibility and this includes the completion of necessary forms. Department of Human Services Bridges Assistance Manual (BAM) 105 (January 1, 2019), p 8.

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. The Department uses documents, collateral contacts, or home calls to verify information. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. When documentation is not available, or clarification is needed, collateral contact may be necessary. Department of Human Services Bridges Assistance Manual (BAM) 130 (April 1, 2017), pp 1-10.

Petitioner was an ongoing FAP recipient as a group of one when her FAP benefits closed effective January 31, 2019, for failing to return a redetermination form in a timely manner. Department records show that no documents were received from Petitioner until February 5, 2019, which was after the benefit period had ended.

Petitioner argued that she hand-delivered the redetermination form to the Department's office at the end of January. Petitioner has no evidence supporting her claim that she dropped off her paperwork before February 5, 2019. Further, the Department's office was closed on January 28, 2019, January 30, 2019, and January 31, 2019, due to a state of emergency declared by the Governor, and could not have been submitted on those dates.

The Department established that it properly closed Petitioner's FAP benefits for failing to complete the redetermination process before the end of the benefit period.

On [REDACTED], 2019, the Department received Petitioner's application for FAP benefits. The Department immediately found Petitioner eligible for expedited FAP benefits in the prorated amount of \$161 based on her application date as directed by BEM 556.

Petitioner receives a gross monthly income of \$805, which consists of SSI, SSP, and a pension. Petitioner's adjusted gross income of \$647 was determined by reducing her total monthly income by the \$158 standard deduction for a group of one. Petitioner is entitled to a \$1,270 deduction for shelter expenses due to disabilities. Since her shelter deduction is larger than her adjusted gross income, Petitioner is eligible for the maximum monthly allotment of FAP available to a group of one effective April 1, 2019, which is \$192. Department of Health and Human Services Reference Table Manual (RFT) 260 (October 1, 2018), p 1.

The Department established that it properly determined Petitioner's eligibility for FAP benefits as of March 6, 2019, and ongoing.

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 Petitioner's Food Assistance Program (FAP) benefits effective January 31, 2019, and properly determined the level of benefits she is eligible for as of March 6, 2019, and ongoing.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/hb



Kevin Scully
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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR 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

Vivian Worden
21885 Dunham Road
Clinton Twp., MI 48036

Macomb County (District 12), DHHS

BSC4 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

Petitioner

[REDACTED], MI [REDACTED]