



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

[REDACTED]  
[REDACTED], MI [REDACTED]

Date Mailed: December 18, 2019  
MOAHR Docket No.: 19-012058  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Janice Spodarek

### **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 hearing was held on December 11, 2019, from Lansing, Michigan. Petitioner appeared unrepresented. The Department of Health and Human Services (Department) was represented by Julie McLaughlin, FIM and HC.

### **ISSUE**

Is there jurisdiction to review any substantive issue regarding Petitioner's November 6, 2019 hearing request?

### **FINDINGS OF FACT**

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. At all relevant times, Petitioner has been a beneficiary of the FAP program.
2. On October 22, 2019, Petitioner returned her semi-annual report, indicating that she had stopped employment. The Department issued notification that Petitioner's case would close effective November 1, 2019, unless Petitioner verified stopped income.
3. On November 6, 2019, Petitioner filed a hearing request, stating that her employer was not cooperating with completing the stopped employment DHHS form. The Department then made a collateral contact with Petitioner's employer and verified the stopped income.
4. Following the collateral contact, the Department continued Petitioner's benefits.

5. As of the administrative hearing, the Respondent had reinstated Petitioner's FAP case and continued benefits; Petitioner's FAP was never interrupted.

### **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.

Applicable policy is found in BEM and BAM 600. Corresponding federal regulations are found at 7 CFR 273.2; 273.16.

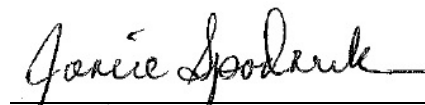
In this case, as of the administrative hearing, the Department had proactively acted on behalf of Petitioner and obtained information by making a collateral contact. With that information, the Respondent was able to keep Petitioner's case open and continuing. Petitioner has not lost any FAP benefits. At the administrative hearing, Petitioner no longer had any dispute with the Department.

The purview of an Administrative Law Judge is to review the Department's action and to make a determination, if the evidence of record supports that action, taken by the Department. As there is no hearable issue for the undersigned to review, Petitioner's hearing request is dismissed.

### **DECISION AND ORDER**

Accordingly, Petitioner's hearing request is DISMISSED.

JS/ml



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Janice Spodarek  
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 Office of Administrative Hearings and Rules  
Reconsideration/Rehearing Request  
P.O. Box 30639  
Lansing, Michigan 48909-8139

**DHHS**

Jackie Stempel  
2700 Baker Street  
P.O. Box 4290  
Muskegon Heights, MI 49444

Muskegon County DHHS – Via Electronic  
Mail

BSC3 – Via Electronic Mail

M. Holden – Via Electronic Mail

D. Sweeney – Via Electronic Mail

**Petitioner**

[REDACTED]  
[REDACTED], MI [REDACTED]