



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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Date Mailed: January 31, 2020
MOAHR Docket No.: 19-013426
Agency No.: ██████████
Petitioner: ██████████

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, an in-person hearing was held on January 29, 2020 in Southfield, Michigan. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Silvester Williams, Assistance Payments Supervisor. During the hearing, an eight-page packet of documents was offered and admitted as Exhibit A, pp. 1-8.

ISSUE

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

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.
2. On October 1, 2019, the Department issued to Petitioner a Mid-Certification Contact Notice to gather relevant information regarding Petitioner's ongoing eligibility for FAP benefits. The document instructed Petitioner to complete, sign, and date the form and return it to the Department by November 1, 2019. Exhibit A, pp. 4-6.

3. On November 10, 2019, the Department issued to Petitioner a Notice of Food Assistance (FAP) Closure. The document informed Petitioner that her FAP case would close at the end of November 2019 if she did not return the completed form by the end of the month. Exhibit A, pp. 7-8.
4. On November 18, 2019, Petitioner mailed two pages of the Mid-Certification Contact Notice to the Department. The Department received that mailing on November 21, 2019. Notably, the document was not complete and was missing the signature page. Exhibit A, pp. 4-6.
5. Because the Department had not received the completed Mid-Certification Contact Notice by the end of November, the Department closed Petitioner's FAP case, effective December 1, 2019.
6. On December 20, 2019, Petitioner submitted to the Department a request for hearing objecting to the Department's action.

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 Department's closure of her FAP case, effective December 1, 2019. The Department asserted that it properly closed Petitioner's FAP benefits case after Petitioner failed to timely submit a completed Mid-Certification Contact Notice that was necessary to determine Petitioner's ongoing eligibility for FAP benefits.

The Department must redetermine or renew a client's eligibility for FAP benefits by the end of each benefit period. BAM 210 (April 2019), pp. 1, 3. The redetermination process includes thorough review of all eligibility factors. BAM 210, p. 1. To initiate the redetermination process, the Department issues to clients the applicable redetermination form, which in some cases may be the Mid-Certification Contact Notice; that form must be completed and returned to the Department in a timely manner. BAM 210, p. 1. A redetermination packet is considered complete when all of the sections or the redetermination form including the signature section are completed.

BAM 210, p. 12. If the Mid-Certification Contact Notice is not logged by the tenth day of the final month of benefits, the Department mails to the client a Notice of Food Assistance (FAP) Closure to remind the client to return the completed form by the end of the month to prevent closure. BAM 210, p. 13. If a document is not completed by the end of the final month, FAP benefits will close at the end of the month. BAM 210, pp. 3; 14.


Petitioner's benefit period was set to expire on November 30, 2019. In order to prevent the expiration, Petitioner was required to fill out and return to the Department a Mid-Certification Contact Notice. The Department mailed the form to Petitioner on October 1, 2019 with instructions to complete the form and return it by November 1, 2019 to avoid closure. Petitioner failed to return it by November 1, 2019. On November 10, 2019, the Department issued to Petitioner a Notice of Food Assistance (FAP) Closure reminding Petitioner that her FAP case would close at the end of November 2019 if she did not complete the form and return it to the Department. Petitioner failed to submit a completed Mid-Certification Contact Notice, instead providing one that was missing a signature page, which by definition renders it incomplete. At the conclusion of the month, the redetermination process was not complete. Thus, the Department properly closed Petitioner's FAP benefits case, effective December 1, 2019.

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 FAP benefits case, effective December 1, 2019.

DECISION AND ORDER

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

JM/tm



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 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

Linda Gooden
25620 W. 8 Mile Rd
Southfield, MI
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Petitioner

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cc: FAP: M. Holden; D. Sweeney
Oakland County AP Specialist (4)