



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 28, 2020
MOAHR Docket No.: 19-013432
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, a telephone hearing was held on January 27, 2020 from Detroit, Michigan. Petitioner appeared and represented himself. The Department of Health and Human Services (Department) was represented by Beverly Hasell, Family Independence Specialist, and Gloria Thompson, Family Independence Manager. During the hearing, a 22-page packet of documents was offered and admitted into evidence as Exhibit A, pp. 1-22.

Petitioner requested the hearing to challenge the Department's actions with respect to Petitioner's Food Assistance Program (FAP) and Medicaid (MA) benefits. Prior to the hearing, the Department and Petitioner resolved the dispute with respect to Petitioner's MA benefits by approving Petitioner's children for full-coverage MA. Because the issue has been resolved, the issue surrounding MA is moot. There being good cause to dismiss that portion of the hearing request, Petitioner's hearing request with respect to his children's MA benefits is hereby dismissed.

ISSUE

Did the Department properly close Petitioner's FAP benefits case, effective January 1, 2020?

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 had an ongoing FAP benefits case with the Department.

2. In order to gather relevant information regarding Petitioner's ongoing eligibility for FAP benefits, the Department issued to Petitioner a November 1, 2019 Semi-Annual Contact Report. Petitioner was instructed to complete the form and return it to the Department by December 1, 2019. Exhibit A, pp. 17-19.
3. Petitioner did not return the form to the Department.
4. On December 10, 2019, the Department issued to Petitioner a Notice of Food Assistance (FAP) Closure. The document informed Petitioner that his FAP case would close at the end of the month if he failed to return the completed Semi-Annual Contact Report. Petitioner was instructed to contact the Department if he needed a replacement form or had any questions. Exhibit A, pp. 20-21.
5. On December 13, 2019, Petitioner submitted to the Department a request for hearing objecting to the Department's actions.
6. On January 1, 2020, Petitioner's FAP case closed.

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 his FAP case, effective January 1, 2020. The Department asserted that it properly closed Petitioner's FAP benefits case after Petitioner failed to timely submit a completed Semi-Annual Contact Report 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 Semi-Annual Contact Report; 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 a redetermination is not completed and a new benefit period certified, FAP benefits stop at the end of the benefit period. BAM 210, p. 3.

Petitioner's benefit period was set to expire on December 31, 2019. In order to prevent the expiration, Petitioner was required to fill out and return to the Department a Semi-Annual Contact Report. The Department mailed the form to Petitioner on November 1, 2019 with instructions to complete the form and return it by December 1, 2019 to avoid closure. Petitioner failed to return it by December 1, 2019. On December 10, 2019, the Department issued to Petitioner a Notice of Food Assistance (FAP) Closure reminding Petitioner that his FAP case would close at the expiration of his benefit period on December 31, 2019 if he did not complete the form and return it to the Department. Petitioner failed to follow those instructions. At the conclusion of the benefit period, the redetermination process was not complete. Thus, the Department properly closed Petitioner's FAP benefits case, effective January 1, 2020.

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 January 1, 2020.

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

Tara Roland 82-17
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Petitioner

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cc: FAP: M. Holden; D. Sweeney
ME—D. Smith; EQADHShearings
AP Specialist-Wayne County