



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: October 5, 2020
MOAHR Docket No.: 20-005680
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, a telephone hearing was held on October 1, 2020. Petitioner represented herself. The Department was represented by Dana Bongers and Aubryana Woodford.

ISSUE

Did the Department of Health and Human Services (Department) properly close Petitioner's Food Assistance Program (FAP) 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 was an ongoing Food Assistance Program (FAP) recipient on June 1, 2020, when the Department sent her a Semi-Annual Contact Report (DHS-1046) with a July 1, 2020, due date. Exhibit A, pp 9-12.
2. On July 20, 2020, Petitioner called her caseworker inquiring about a potential closure of her Food Assistance Program (FAP) benefits and was informed that her benefits would close unless the Semi-Annual Contact Report (DHS-1046) was returned before August 1, 2020. Exhibit A, p 8.
3. On August 10, 2020, Petitioner's caseworker called Petitioner and informed her that the Semi-Annual Contact Report (DHS-1046) had been received by the Department. Exhibit A, p 8.
4. The evidence supports a finding that the Semi-Annual Contact Report (DHS-1046) was received by the Department on August 4, 2020. Exhibit A, p 8.

5. On August 20, 2020, the Department received Petitioner's request for a hearing protesting the closure of her Food Assistance Program (FAP) benefits. Exhibit A, pp 3-5.

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) is funded under the federal Supplemental Nutrition Assistance Program (SNAP) established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 through 7 USC 2036a. It is implemented by the federal regulations contained in 7 CFR 273. The Department administers FAP pursuant to MCL 400.10 of the Social Welfare Act, MCL 400.1 *et seq*, and Mich Admin Code, R 400.3001 through 400.3011.

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 (July 1, 2020), p 9.

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.

If the client fails to return a complete MDHHS-1046 by the last day of the sixth month, the Department will automatically close the case. If the client reapplies, the Department will treat it as a new application and the Department will prorate the benefits in the application month. If the completed MDHHS-1046 and verifications are returned by the last day of the sixth month, the Department will process the changes to ensure the client's benefits are available no later than 10 days after their normal issuance date in the seventh month of the benefit period. Department of Health and Human Services Bridges Administrative Manual (BAM) 210 (July 1, 2020), p 14.

Petitioner was an ongoing FAP recipient when the Department sent her a Semi-Annual Contact Report (DHS-1046) in order to determine if she was eligible for ongoing benefits. Department policy requires that a notice be sent to clients when the Semi-Annual Contact Report is not received by the due date. The hearing record supports a

finding that the Department sent this notice to Petitioner because on July 20, 2020, Petitioner called her caseworker inquiring about a potential case closure. Petitioner's caseworker instructed Petitioner to either complete the Semi-Annual Contact Report electronically, or submit another copy, which was provided to Petitioner by mail.

The hearing record supports a finding that the Semi-Annual Contact Report was received by the Department on August 4, 2020.

Petitioner credibly testified that her caseworker called her on August 10, 2020 and assured her that her benefits would not close.

However, because the Semi-Annual Contact Report had not been received before Petitioner's FAP benefits closed on August 1, 2020, the caseworker was unable to reinstate the FAP benefits.

Reinstatement restores a closed program to active status without completion of a new application. Closed programs may be reinstated for complying with program requirements before the negative action date. Department of Health and Human Services Bridges Administrative Manual (BAM) 205 (January 1, 2018), p 1.

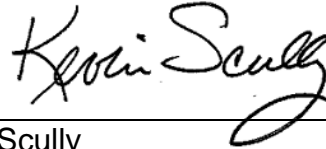
In this case, the Department was acting in accordance with BAM 210 when it closed Petitioner's FAP benefits effective August 1, 2020, with no further notice to Petitioner. Even though Petitioner may have felt assured that she would remain eligible for ongoing FAP benefits on August 10, 2020, after receiving a voicemail message from her caseworker that the Semi-Annual Contact Report had been received, Petitioner's caseworker did not have the authority to continue benefits in this case after August 1, 2020.

The hearing record supports a finding that the Department was acting in accordance with Department policy when it closed Petitioner's FAP benefits effective August 1, 2020, and Petitioner failed to establish that she was eligible for ongoing benefits after August 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 Food Assistance Program (FAP) benefits effective August 1, 2020, when the Semi-Annual Contact Report was not received before August 1, 2020.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.



KS/nr

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

DHHS

Renee Olian
427 E Alcott St
Kalamazoo, MI
49001

Kalamazoo County DHHS- via electronic
mail

BSC3- via electronic mail

M. Holden- via electronic mail

D. Sweeney- via electronic mail

Petitioner

██████████- via first class mail

██████████

██████████, MI

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