



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: January 28, 2021
MOAHR Docket No.: 20-007843
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, an administrative hearing was held on January 21, 2020.

Petitioner appeared unrepresented.

The Department of Health and Human Services (Department) was represented by Marcy Walker, Lead Worker.

Department Exhibit A.33 was admitted into the record.

ISSUE

Did the Department properly close Petitioner's Food Stamp Assistance Program (FAP) case?

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 prior to the case action herein, Petitioner was a beneficiary of the FAP program.
2. On January 16, 2020, Petitioner reported that she was homeless, which triggered all her mail to be delivered to the local office.
3. On September 11, 2020, the Department mailed a Notice of Missed Appointment pursuant to her redetermination notifying Petitioner that she is responsible to

complete the redetermination process before September 30, 2020, or her application/redetermination will be denied.

4. On September 17, 2020, Petitioner's county office made a courtesy call advising Petitioner that she was due for her redetermination.
5. On September 18, 2020, Petitioner called the wrong DHHS's county office regarding her case and was instructed to call the correct county. Petitioner failed to do so.
6. Petitioner's case closed October 31, 2020.
7. Petitioner reapplied and had her case reopened on [REDACTED] 2020, not at issue here.
8. On November 30, 2020, Petitioner filed a hearing request.

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 to the facts herein is found primarily in BAM 210:

REDETERMINATION/ RENEWAL CYCLE

All Programs

A complete redetermination/renewal is required at least every 12 months. Bridges sets the redetermination/renewal date according to benefit periods; see Eligibility Decisions in BAM 115. ...

FAP Only

Benefits stop at the end of the benefit period **unless** a redetermination is completed **and** a new benefit period is certified. If the client does not begin the

redetermination process, allow the benefit period to expire. The redetermination process begins when the client files a MDHHS-1171, Assistance Application and MDHHS-1171-FAP, Supplement- Food Assistance Program; MDHHS-1010, Redetermination and MDHHS-1010-FAP; MDHHS-1171, filing form; DHS-2063B, Food Assistance Benefits Redetermination Filing Record. See **Subsequent Processing** in this item. BAM 210, page 3.

Applicable federal regulations are found primarily at 7 CFR 273.4, .10(f). and .14.

Individuals asserting eligibility for welfare programs have the burden of proof by a preponderance of evidence. Here, that burden falls on Petitioner.

Here, the Department argues it followed its policy and procedure in closing Petitioner's FAP case at the end of the redetermination process, as Petitioner failed to complete the process as required by federal and state law and policy. Petitioner argues that she never received any notice(s), that she changed her address with the MDHHS, and that the Department failed to send her notice of closure.

As to Petitioner changing her address, credible and substantial evidence shows that Petitioner changed her address at the local office January 16, 2020, due to being homeless. The Department checked on behalf of Petitioner and found that Petitioner had failed to pick up her mail at the local office; Petitioner's notice(s) of redetermination were sitting awaiting her retrieval.

Evidence further shows that Petitioner offered no evidence to show that she changed her address to a new address prior to the redetermination due dates.


As to Petitioner's contention that she did not receive Notice of Closure, a review of the September 11, 2020 Notice of Missed Appointment does in fact notify her that if she failed to complete the redetermination process, her case will close. See Exhibit A.27. In addition, under BAM 210, FAP cases close automatically if the redetermination process is not completed. (See above.) Moreover, the Department made a courtesy call to Petitioner to remind her of the need to complete the redetermination process and yet, Petitioner failed to contact her correct local office to follow up.

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 Petitioner has failed to meet her burden of proof and the Department acted in accordance with Department policy when it closed Petitioner's FAP case.

DECISION AND ORDER

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

JS/ml



Janice Spodarek
Administrative Law Judge
for Elizabeth Hertel, 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

Marci Walker
Shiawassee County DHHS – via
electronic mail

BSC2 – via electronic mail

M. Holden – via electronic mail

D. Sweeney – via electronic mail

Petitioner

██████████ – via first class mail

██████████, MI ██████████