



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]

Date Mailed: March 31, 2021  
MOAHR Docket No.: 21-000940  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Christian Gardocki

### **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 via telephone conference line on March 25, 2021. Petitioner participated and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Candice Benns, hearings facilitator.

### **ISSUE**

The issue is whether MDHHS properly terminated Petitioner's Food Assistance Program (FAP) eligibility.

### **FINDINGS OF FACT**

The administrative law judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. As of December 2020, Petitioner was an ongoing recipient of FAP benefits.
2. On December 30, 2020, MDHHS mailed Petitioner a National New Hire Client [REDACTED] (hereinafter, "Employer") by January 11, 2021.
3. On January 11, 2021, MDHHS initiated termination of Petitioner's FAP eligibility beginning February 2021 due to Petitioner's failure to return the National New Hire Client Notice.
4. As of February 1, 2021, Petitioner had not returned to MDHHS information concerning income with Employer.

5. On February 12, 2021, Petitioner returned a completed National New Hires Client Report to MDHHS.
6. On [REDACTED], 2021, Petitioner requested a hearing to dispute the termination of FAP.

### **CONCLUSIONS OF LAW**

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. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing to dispute a termination of FAP benefits. Exhibit A, p. 3. A Notice of Case Action dated January 11, 2021, stated that Petitioner's FAP eligibility would end February 2021 due to Petitioner's failure to return a Federal New Hire Client Notice. Exhibit A, pp. 11-12.

MDHHS routinely matches recipient data with other agencies through automated computer data exchanges. BAM 813 (January 2021) p. 1. The National Directory of New Hires (NDNH) is a monthly exchange of information collected from new hire data reported from 54 states and territories and all federal agencies. *Id.* If the client has not previously reported the new job, verification must be requested by generating a DHS-4641, National Directory New Hire Client Notice. *Id.* When a DHS-4641 is requested, the MDHHS database automatically gives the client 10 calendar days to provide verification from the date the form was requested. *Id.* If verification is not returned by the 10th day, case action will need to be initiated to close the case. *Id.*, p. 2.

MDHHS presented a National New Hires Client Notice dated December 30, 2020. Exhibit A, pp. 5-8. MDHHS contended that the form was mailed to Petitioner and Petitioner failed to return the form by its stated due date of January 11, 2021. Petitioner contended that she did not receive the document. The form included the same mailing address verified by Petitioner during the hearing as hers; thus, it was not misaddressed. MDHHS credibly testified that the document was "central" printed. A central printing is printed and mailed by a consolidated print center. The consolidated print center is known to print and prepare documents for mailing through automation. Thus, a "central" printed mailing minimizes human error and is a highly reliable method for preparing documents for mailing. The evidence established that MDHHS properly mailed the National New Hires Client Notice to Petitioner.

Petitioner's FAP eligibility ended beginning February 2020. It was not disputed that Petitioner did not return a National New Hire Client Notice to MDHHS until February 12,

2021.<sup>1</sup> Exhibit A, pp. 9-10. Petitioner's submission was too late to resurrect her already terminated FAP eligibility.

Given the evidence, MDHHS properly initiated termination of Petitioner's FAP eligibility on January 11, 2021, and properly allowed Petitioner's FAP to end beginning February 2021. MDHHS had no known obligation to reopen Petitioner's FAP eligibility after Petitioner's tardy submission. As discussed during the hearing, Petitioner's recourse to receive FAP benefits is to reapply.


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<sup>1</sup> Evidence was not taken as to how Petitioner obtained a National New Hire Client Notice after she did not receive the one mailed by MDHHS on December 30, 2020.

**DECISION AND ORDER**

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly terminated Petitioner's FAP benefit eligibility beginning February 2021. The actions taken by MDHHS are **AFFIRMED**.

CG/tm

  
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**Christian Gardocki**  
Administrative Law Judge  
for Elizabeth Hertel, Director  
Department of Health and Human Services

