



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]

Date Mailed: May 10, 2021
MOAHR Docket No.: 21-001836
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

On March 31, 2021, Petitioner, [REDACTED], requested a hearing to dispute the termination of her Food Assistance Program (FAP) benefits. As a result, a hearing was scheduled to be held on May 6, 2021, pursuant to MCL 400.9, 7 CFR 273.15, and Mich Admin Code, R 792.11002. Petitioner appeared at the hearing with her authorized hearing representative, [REDACTED]. Respondent, Department of Health and Human Services (Department), had Colleen McKenna, Caseworker, appear as its representative. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 41-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Whether the Department properly terminated Petitioner's 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 is a FAP benefit recipient.
2. The Department found Petitioner eligible for FAP benefits for a one-year benefit period ending January 31, 2021.
3. During Petitioner's benefit period, Petitioner became homeless.
4. While Petitioner was homeless, Petitioner used the Department's local office address as her address.
5. In February 2020, Petitioner obtained a home.

6. Petitioner attempted to update her address with the Department by calling the Department and by utilizing the Department's online system, MI Bridges.
7. Petitioner was unable to reach the Department by telephone, and Petitioner had difficulties utilizing MI Bridges.
8. On [REDACTED] 2020, Petitioner contacted the MI Bridges help desk to get help accessing her account. Petitioner was able to access her account with help, but Petitioner's benefit information was not available through MI Bridges when she accessed her account. Petitioner updated her address in MI Bridges, and Petitioner contacted the help desk to make sure she did not have another account with her benefit information. The help desk could not locate another account.
9. The Department did not receive any information about an updated address, through MI Bridges or otherwise.
10. The Department continued to use the Department's local office address as Petitioner's address.
11. On December 4, 2020, the Department mailed a redetermination to Petitioner to obtain information from Petitioner to renew her FAP benefits.
12. Petitioner did not receive the redetermination because it was mailed to the Department's local office address.
13. Petitioner did not respond to the redetermination as required, so the Department terminated her FAP benefits at the end of her benefit period.
14. On March 31, 2021, Petitioner requested a hearing to dispute the termination of her FAP benefits.

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 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 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 is disputing the termination of her FAP benefits. The Department terminated Petitioner's FAP benefits because Petitioner did not renew her eligibility

before her benefit period ended. Pursuant to the Department's policy, "benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified." BAM 210 (January 1, 2021), p. 3. It is undisputed that Petitioner did not complete a redetermination before the end of her benefit period. Since Petitioner did not complete a redetermination before the end of her benefit period, the Department properly terminated her FAP benefits at the end of her benefit period.

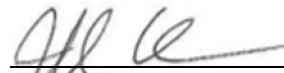
Petitioner asserted that she could not complete her redetermination because she did not receive it, even though she made a good-faith attempt to update her address. Although Petitioner did not receive the redetermination, the Department was required to terminate her FAP benefits at the end of her benefit period because she did not renew her eligibility. Thus, the Department properly terminated her FAP benefits.

DECISION AND ORDER

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 its policies and the applicable law when it terminated Petitioner's Food Assistance Program benefits.

IT IS ORDERED, the Department's decision is **AFFIRMED**.

JK/cc



Jeffrey Kemm

Administrative Law Judge

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

Via Email:

MDHHS-Gladwin-County-Hearings
BSC1-HearingDecisions
D. Sweeney
M. Holden
MOAHR

Petitioner- Via USPS:

