



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: May 28, 2021
MOAHR Docket No.: 21-002003
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Ellen McLemore

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 May 24, 2021, from Detroit, Michigan. Petitioner was present and was unrepresented. The Department of Health and Human Services (Department) was represented by Gloria Thomson, Family Independence Manager and Manar Marji, Eligibility Specialist.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) benefit 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. Petitioner was an ongoing FAP recipient.
2. On February 1, 2021, the Department sent Petitioner a semi-annual review (Exhibit A, pp. 8-12).
3. On February 22, 2021, Petitioner submitted the semi-annual review (Exhibit A, pp. 13-14).
4. On March 10, 2021, the Department sent Petitioner a Notice of Food Assistance (FAP) Closure informing him that his FAP benefit case was closing effective March 31, 2021 (Exhibit A, p. 6).

5. On April 13, 2021, Petitioner submitted a request for hearing disputing the Department's actions.

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, the Department sent Petitioner a semi-annual review related to his FAP benefit case on February 1, 2021. The completed semi-annual was due to be returned by February 22, 2021.

The Department must periodically redetermine or renew an individual's eligibility for active programs. BAM 210 (January 2021), p. 1. Redetermination, renewal, semi-annual and mid-certification forms are often used to redetermine eligibility of active programs. BAM 210, p. 1. A complete MDHHS-1046, Semi-Annual Contact Report, must be submitted by groups with countable earnings and a 12-month benefit period. BAM 210, p. 11. A report is considered complete when all sections (including the signature section) of the MDHHS-1046 are answered completely and required verifications are returned. BAM 210, pp. 12-13. 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. BAM 210, p. 15.

The Department presented the semi-annual review submitted by Petitioner on February 22, 2021. The document was not signed by Petitioner. The Department testified that Petitioner was contacted regarding the signature issue on March 4, 2021; March 11, 2021; and March 18, 2021 (Exhibit A, p. 15). The Department also reissued the semi-annual to Petitioner on March 5, 2021 (Exhibit A, p. 17). The Department testified that Petitioner did not submit a signed copy of the semi-annual. As a result, Petitioner's FAP benefit case was closed effective March 31, 2021.

Petitioner testified that he believed he signed the original semi-annual that was submitted on February 22, 2021. Petitioner conceded he was notified by the Department that the February 22, 2021 semi-annual was not signed. Petitioner stated he then submitted a signed copy of the semi-annual three to four more times.

The Department presented Petitioner's electronic case file (ECF). The ECF consists of scanned documents, arranged by category and identified by a client name, recipient ID or case number, established for a particular client group. BAM 300 (October 2016), p. 1. The ECF contains all forms, documents and other evidence to the group's current and past eligibility. BAM 300, p. 1. The ECF revealed Petitioner did not return a signed copy of the semi-annual. Therefore, the Department acted in accordance with policy when it closed Petitioner's FAP benefit case.

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 Department policy when it closed Petitioner's FAP benefit case. Accordingly, the Department's decision is **AFFIRMED**.

EM/jem



Ellen McLemore

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-Wayne-17-Hearings
BSC4-HearingDecisions
M. Holden
D. Sweeney
MOAHR

Petitioner – Via First-Class Mail:

[REDACTED]
[REDACTED], MI [REDACTED]