



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: August 4, 2021  
MOAHR Docket No.: 21-003152  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Zainab A. Baydoun**

### **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 July 28, 2021, from Detroit, Michigan. Petitioner appeared for the hearing and represented herself. The Department of Health and Human Services (Department) was represented by Linda Perkins, Family Independence Specialist.

### **ISSUE**

Did the Department properly close Petitioner's Food 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. Petitioner was an ongoing recipient of FAP benefits. In connection with a redetermination, Petitioner's eligibility to receive FAP benefits was reviewed.
2. On or around March 4, 2021, the Department sent Petitioner a redetermination for her FAP case that she was instructed to complete and return to the Department by March 24, 2021. (Exhibit A, pp. 9-15)
  - a. The redetermination documents notified Petitioner that she must submit her completed redetermination by the due date, otherwise her FAP case would close effective April 30, 2021.
3. Petitioner asserted that she completed the redetermination and mailed it to the Department using the United States Postal Service; however, the Department maintained that it did not receive the completed redetermination.

4. Petitioner's FAP case closed effective April 30, 2021.
5. On or around May 3, 2021, the Department received a completed assistance application for FAP benefits from Petitioner.
6. On or around June 22, 2021, Petitioner requested a hearing disputing the Department's actions with respect to the closure of her FAP case. (Exhibit A, pp. 3-4)

### **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.

The Department must periodically redetermine or renew an individual's eligibility for active programs. The redetermination/renewal process includes a thorough review of all eligibility factors. Redetermination, renewal, semi-annual and mid-certification forms are often used to redetermine eligibility of active programs. BAM 210 (January 2021), p. 1. If a FAP client does not begin the redetermination process, the Department will allow the benefit period to expire. The redetermination process begins when the client files a: MDHHS-1171 Assistance Application; DHS-1010 Redetermination; DHS-1171, Filing Form; or DHS-2063B, Food Assistance Benefits Redetermination Filing Record. BAM 210, p. 3.

A FAP client must also complete an interview, unless the group has no earned income, and all adult members are elderly or disabled. In those cases, an interview may be conducted if the group requests an interview or if there are any outstanding issues or questions about the recertification process. If the client misses the interview, Bridges sends a DHS-254, Notice of Missed Interview. BAM 210, pp. 5-7. Before the Department proceeds with the FAP interview, it must receive the completed redetermination packet from the client. For FAP cases, benefits stop at the end of the benefit period unless a redetermination is completed, verifications received, and a new benefit period is certified. BAM 210, pp. 2-5. If the redetermination packet is not logged in by the last working day of the redetermination month, Bridges will automatically close the FAP case without sending a Notice of Case Action. BAM 210, pp.13-14.

In this case, the Department testified that because it did not receive a completed redetermination from Petitioner prior to the end of the April 30, 2021, certification period, her FAP case automatically closed. Petitioner asserted that she received the redetermination, completed the forms, and mailed them to the Department using the United States Postal Service. Petitioner testified that she became aware that her FAP case was closed when she contacted the call center and was notified that she no longer had an active FAP case. The Department conceded that on May 3, 2021, Petitioner submitted an assistance application requesting FAP benefits that had not been processed as of the hearing date. The Department further conceded that Petitioner's FAP case should be reinstated effective May 1, 2021, and her eligibility reviewed in accordance with the subsequent processing policy outlined in BAM 210 at pages 22-23. The Department acknowledged that the assistance application could have been used to redetermine Petitioner's continued FAP eligibility.

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 did not act in accordance with Department policy when it closed Petitioner's FAP case effective April 30, 2021.


### **DECISION AND ORDER**

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reinstates Petitioner's FAP case effective May 1, 2021, and process Petitioner's redetermination/application to determine her eligibility for ongoing FAP benefits from May 1, 2021, ongoing;
2. Issue FAP supplements to Petitioner for any FAP benefits she was entitled to receive but did not from May 1, 2021, ongoing; and
3. Notify Petitioner of its decision in writing.

ZB/jm

  
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**Zainab A. Baydoun**  
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-57-Hearings  
BSC4-HearingDecisions  
M. Holden  
D. Sweeney  
MOAHR

**Petitioner – Via First-Class Mail:**

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