



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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Date Mailed: September 13, 2021
MOAHR Docket No.: 21-003764
Agency No.: ██████████
Petitioner: ██████████

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 on September 7, 2021. Petitioner participated and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Territa Rivers-Jones, manager. Danielle Nuccio, administrative law judge with the Michigan Office of Administrative Hearings and Rules, observed the hearing.

ISSUE

The issue is whether MDHHS properly failed to process Petitioner's Food Assistance Program (FAP) application allegedly submitted on ██████████, 2021.

FINDINGS OF FACT

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

1. On ██████████, 2021, Petitioner electronically applied for FAP benefits through the MIBridges app.
2. As of August 6, 2021, MDHHS did not process Petitioner's application for FAP benefits.
3. On ██████████ 2021, Petitioner requested a hearing to dispute the non-processing of her application.

CONCLUSIONS OF LAW

The Food Assistance Program [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. MDHHS 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 an unprocessed application requesting FAP benefits dated [REDACTED] 2021. Exhibit A, pp. 3-4. MDHHS acknowledged not processing Petitioner's application. MDHHS testified that it had no record of Petitioner applying for FAP benefits; thus, it had no obligation to process Petitioner's allegedly submitted application. The pivotal issue is whether Petitioner submitted to MDHHS an application for FAP benefits.

An application or filing form, with the minimum information, must be registered in the MDHHS database unless the client is already active for that program. BAM 115 (January 2020) p. 8. Electronically filed applications include all applications filed online in MIBridges, faxed, or emailed. *Id.*, p. 6.

Petitioner testified that she applied for FAP benefits on [REDACTED] 2021 through the MIBridges app.¹ Petitioner's hearing request stated that she called MDHHS in July 2021 to check the status of her application and was told that MDHHS her application was not received. Exhibit A, p. 4. Subsequently, Petitioner submitted to MDHHS two pages from MIBridges in an attempt to verify application submission. The first page appeared similar to the first page of a FAP application which lists a date and time of submission in the top right-hand corner. Petitioner's document listed a date of [REDACTED] 2021 and time of [REDACTED]. Exhibit 1, p. 1. A tracking number was also listed for the application. *Id.* The second page submitted to MDHHS was titled "Case History" and listed three documents with corresponding dates and tracking numbers. Exhibit 1, p. 2. Among the three documents was a FAP application dated [REDACTED], 2021. The FAP application listing was dated [REDACTED], 2021 and included an option for viewing and a tracking number matching the tracking number form the first page. *Id.*

MDHHS testified that its database did not recognize an application from Petitioner dated [REDACTED], 2021. MDHHS emailed its technical support unit for guidance on July 15, 2021. Exhibit A, p. 5. MDHHS did not provide documentation of the response from its technical support unit, but a manager testified that she was told there was no record of Petitioner's application submission. Based on the reporting from its technical support staff, MDHHS contended that Petitioner did not apply for FAP benefits on [REDACTED] 2021.

¹ MDHHS's website states that the MIBridges app is the "best way" to apply for benefits (https://www.michigan.gov/mdhhs/0,5885,7-339-71547_5526_7028_8758-280487--,00.html)

Petitioner's documentation from MIBridges seemingly verified a FAP application submission from [REDACTED] 2021. MDHHS provided no alternative explanation for Petitioner's documents. MDHHS's database may have no record of Petitioner's application, however, that does not eliminate the possibility that Petitioner applied and MDHHS's system malfunctioned by deleting the application.

Given the evidence, Petitioner established a FAP application submission dated [REDACTED] 2021 and that MDHHS failed to properly process her application.² As a remedy, Petitioner is entitled to registration and processing of her application.

² Petitioner reapplied for FAP benefits on [REDACTED] 2021; however, Petitioner is entitled to a FAP determination from her original application date.


DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS improperly failed to process Petitioner's application for FAP benefits. It is ordered that MDHHS commence the following actions within 10 days of the date of mailing of this decision:

- (1) Reregister and process Petitioner's FAP application dated [REDACTED], 2021; and
- (2) Issue a supplement of benefits and notice, if any, in accordance with policy.

The actions taken by MDHHS are **REVERSED**.

CG/tm



Christian Gardocki
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-76-Hearings
M. Holden
D. Sweeney
BSC4
MOAHR

Petitioner – Via First-Class Mail:

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