



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 28, 2021
MOAHR Docket No.: 21-004059
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 September 23, 2021, from Lansing, Michigan. The Petitioner was represented by ██████████, ██████████. The Department of Health and Human Services (Department) was represented by Cheryl Watkins, Assistance Payments Supervisor (AP Supervisor), and Danielle Hurst, Assistance Payments Worker (AP Worker)

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-54.

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's FAP case was due for Redetermination by the end of July 2021.
2. On June 29, 2021, Petitioner submitted a Redetermination form, in part reporting household members of herself, her husband, daughter ██████████, and granddaughter ██████████ (Exhibit A, pp. 10-14)

3. On July 1, 2021, an interview was completed with Petitioner and her husband. It was reported that Petitioner's daughter [REDACTED] moved into the home on June 15, 2021 and she is self-employed with [REDACTED]. (Exhibit A, pp. 15-17)
4. [REDACTED] is the child of a household member and was under age 22 in July 2021. (Exhibit A, pp. 4 and 16)
5. On July 1, 2021, a Verification Checklist was issued to Petitioner with a due date of July 12, 2021, to provide requested verifications, including self-employment verification for [REDACTED] (Exhibit A, pp. 18-20)
6. Petitioner provided multiple requested verifications, but not the self-employment for [REDACTED] (Exhibit A, pp. 20-49)
7. On July 19, 2021, a Notice of Case Action was issued to Petitioner stating the FAP would close effective August 1, 2021 based on a failure to provide verification of self-employment income for [REDACTED] (Exhibit A, pp. 5-9 and 50-54)
8. On August 24, 2021, Petitioner requested a hearing contesting the Department's determination. (Exhibit A, pp. 3-9)

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 thorough review of all eligibility factors. BAM 210, January 1, 2021, p. 1. Benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. BAM 210, p. 3.

Policy also requires that an interview be completed before eligibility is determined for a FAP redetermination. BAM 210, pp. 5-8.

A FAP group loses its right to uninterrupted FAP benefits if it fails to: file the FAP redetermination by the timely filing date; participate in the scheduled interview; or

submit verifications timely, provided the requested submittal date is after the timely filing date. Any of these reasons can cause a delay in processing the redetermination. BAM 210, p. 22.

If a client files an application for redetermination before the end of the benefit period, but fails to take a required action, the case is denied at the end of the benefit period. BAM 210, p. 22. (Underline added by ALJ)

Parents and their children under 22 years of age who live together must be in the same group regardless of whether the child(ren) have their own spouse or child who lives with the group. BEM 212, October 1, 2020, p. 1.

Petitioner's FAP case was due for Redetermination by the end of July 2021.

On June 29, 2021, Petitioner submitted a Redetermination form, in part reporting household members of herself, her husband, daughter [REDACTED] and granddaughter [REDACTED] (Exhibit A, pp. 10-14)

On July 1, 2021, an interview was completed with Petitioner and her husband. It was reported that Petitioner's daughter [REDACTED] moved into the home on June 15, 2021 and she is self-employed with [REDACTED]. (Exhibit A, pp. 15-17) [REDACTED] is the child of a household member and was under age 22 in July 2021. (Exhibit A, pp. 4 and 16) Accordingly, on July 1, 2021, a Verification Checklist was issued to Petitioner with a due date of July 12, 2021, to provide requested verifications including self-employment verification for [REDACTED] (Exhibit A, pp. 18-20)

Petitioner provided multiple requested verifications, but not the self-employment for [REDACTED] (Exhibit A, pp. 20-49) Accordingly, on July 19, 2021, a Notice of Case Action was issued to Petitioner stating the FAP would close effective August 1, 2021 based on a failure to provide verification of self-employment income for [REDACTED] (Exhibit A, pp. 5-9 and 50-54)

Petitioner and her husband asserted that [REDACTED] should not be considered part of the FAP group. However, under the above cited BEM 212 policy, parents and their children under 22 years of age who live together must be in the same FAP group.

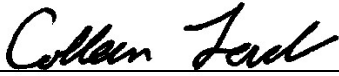
Pursuant to BAM 210, the Department's actions were proper. Petitioner failed to take a required action. Specifically, Petitioner failed to provide a requested verification, the self-employment information for [REDACTED], who was a mandatory FAP group member. Therefore, Petitioner's FAP case closed at the end of the benefit period.

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 case.

DECISION AND ORDER

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

CL/ml



Colleen Lack
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

DHHS

MDHHS-Washtenaw-Hearings
BSC4
M. Holden
D. Sweeney
MOAHR

Petitioner

[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]

Authorized Hearing Rep.

[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]