



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
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[REDACTED] MI [REDACTED]

Date Mailed: October 22, 2021
MOAHR Docket No.: 21-004469
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Linda Jordan

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 telephonic hearing was held on October 18, 2021. Petitioner appeared and represented herself. Valarie Foley, Hearings Facilitator for the Inkster District, represented the Michigan Department of Health and Human Services (MDHHS or Department).

ISSUE

Did MDHHS 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. Petitioner's FAP group-size was five, including herself, her husband and three children.
2. On June 4, 2021, MDHHS sent Petitioner a Redetermination Packet, which instructed her to complete the redetermination form and send it to MDHHS by June 24, 2021 (Exhibit A, pp. 7-13). Petitioner did not return the form to MDHHS at any time prior to the hearing.
3. On July 1, 2021, MDHHS sent Petitioner a Notice of Missed Appointment (Exhibit A, p. 6). The notice indicated that an interview was required to redetermine eligibility for FAP benefits and that Petitioner was required to reschedule the

interview before July 31, 2021 or the redetermination would be denied (Exhibit A, p. 6). Petitioner did not reschedule the redetermination interview.

4. On July 31, 2021, Petitioner's FAP case closed at the end of the certification period.
5. On September 17, 2021, Petitioner requested a hearing challenging 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. MDHHS 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, MDHHS closed Petitioner's FAP case because she failed to complete the redetermination before July 31, 2021, which was the end of her benefit period. At the hearing, Petitioner admitted that she did not return the Redetermination Packet, which MDHHS testified was sent to Petitioner's correct address on June 24, 2021. Petitioner stated that she did not receive the packet because she was out of the country attending to an emergency family situation. However, any adult member of the FAP-group could have returned the paperwork to MDHHS. Because MDHHS did not receive the Redetermination Packet before the end of Petitioner's benefit period, MDHHS closed Petitioner's FAP case on July 31, 2021.

FAP beneficiaries are required to complete periodic renewals or redeterminations based on their benefit periods. BAM 210 (January 2021), p. 3. If the beneficiary does not complete the redetermination before the deadline, benefits will stop at the end of the benefit period. *Id.* MDHHS sends beneficiaries redetermination packets, which detail the redetermination process; the interview type, date, place and time; required verifications; and the due date for the materials. BAM 210, pp. 9-10. The redetermination process begins when the client files the redetermination form. *Id.* If the redetermination packet is not received by MDHHS by the deadline, the client's case is automatically closed, and a negative case action is not generated. BAM 210 p. 14.

Here, the record shows that MDHHS properly sent the Redetermination Packet to Petitioner at the correct address. Petitioner did not return the Redetermination Packet before the end of the benefit period or at any time prior to the hearing. The FAP

redetermination must be completed by the end of the current benefit period for the client to receive uninterrupted benefits. BAM 210, p. 21.

Therefore, 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 MDHHS acted in accordance with Department policy when it closed Petitioner's FAP case at the end of the benefit period.

DECISION AND ORDER

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



LJ/ml

Linda Jordan
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-19-Hearings
BSC4
M. Holden
D. Sweeney

Petitioner – Via USPS:

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