



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 31, 2022  
MOAHR Docket No.: 22-001864  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**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 line on May 26, 2022. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Tom Jones, supervisor.

### **ISSUE**

The issue is whether MDHHS properly terminated Petitioner's Food Assistance Program (FAP) eligibility.

### **FINDINGS OF FACT**

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

1. As of March 2022, Petitioner received FAP with a benefit period certified through the end of the month.
2. Beginning April 2022, MDHHS terminated Petitioner's FAP eligibility.
3. On April 26, 2022, Petitioner requested a hearing to dispute the termination of FAP eligibility.
4. On May 4, 2022, MDHHS mailed Petitioner notice of a termination of FAP benefits beginning April 2022 due to excess net income.

## CONCLUSIONS OF LAW

The 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 the FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011. FAP policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing to dispute a termination of FAP benefits. Exhibit A, pp. 3-5. It was not disputed that Petitioner's FAP eligibility ended April 2022. The reason for case closure was less clear.

A Notice of Case Action dated May 4, 2022, stated that Petitioner's FAP eligibility ended April 2022 due to the end of the certification period. Exhibit A, pp. 8-11. The notice suggests that Petitioner failed to return redetermination documents.

For all programs, a complete redetermination is required at least every 12 months. BAM 210 (January 2021) p. 3. Bridges, the MDHHS database, automatically sends a DHS-1010, Redetermination, to the client three days prior to the negative action cut-off date in the month before the redetermination is due. *Id.*, p. 8. For FAP benefits, the redetermination process begins when the client files a DHS-1010 or other acceptable substitute form. *Id.*, p. 3. FAP benefits stop at the end of the benefit period unless the redetermination process is completed and a new benefit period is certified. *Id.* If the redetermination packet is not logged in by the last working day of the redetermination month, Bridges automatically closes the benefits and a Notice of Case Action is not generated. *Id.*, p. 14.

Despite the reason for closure on the notice sent to Petitioner, MDHHS did not allege that Petitioner failed to return redetermination documents. Instead, MDHHS alleged that Petitioner's FAP eligibility ended due to excess net income.

BEM 556 outlines the factors and calculations required to determine a client's net income. Net income for FAP benefits factors group size, countable monthly income, and relevant monthly expenses.

MDHHS provided no budgets or budget summary justifying FAP benefit closure due to excess net income. During the hearing, MDHHS was unable to provide any budget figures to justify closure based on excess net income. The only evidence of excess net income were documents of Petitioner's wages. Exhibit A, pp. 5-7. Given the utter lack of evidence, MDHHS failed to establish that it properly ended Petitioner's FAP eligibility.

As a remedy Petitioner is entitled to a reprocessing of the FAP redetermination beginning April 2022.<sup>1</sup>

**DECISION AND ORDER**

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

- (1) Reprocess Petitioner's redetermination beginning April 2022 subject to the finding that MDHHS failed to establish a proper closure; and
- (2) Issue notice and benefit supplements, if any, in accordance with policy.

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

CG/mp

  
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**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

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<sup>1</sup> Petitioner should be aware that a redetermination of FAP benefits does not equate to a reinstatement of benefits. A reinstatement should occur if Petitioner is found eligible to receive FAP benefits following the redetermination.

