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

ORLENE HAWKS DIRECTOR

MI	

Date Mailed: June 23, 2022
MOAHR Docket No.: 22-002214
Agency No.:
Petitioner:

#### ADMINISTRATIVE LAW JUDGE: Ellen McLemore

### **HEARING DECISION**

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge (ALJ) 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 June 22, 2022, from Detroit, Michigan. Petitioner was present and represented herself. The Department of Health and Human Services (Department) was represented by Valarie Foley, Hearing Facilitator.

#### ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) benefit 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 FAP recipient.
- 2. On January 4, 2022, the Department sent Petitioner a redetermination packet with a due date of January 24, 2022 (Exhibit A, pp. 7-13). The redetermination advised Petitioner that if she did not complete the redetermination process, her benefits would end on February 28, 2022.
- 3. Effective March 1, 2022, Petitioner's FAP benefit case closed.
- 4. On 2022, Petitioner submitted a request for hearing disputing the Department's actions.

#### 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. BAM 210 (April 2017), p. 1. Redetermination, renewal, semi-annual and mid-certification forms are often used to redetermine eligibility of active programs. BAM 210, p. 1. A complete redetermination/renewal is required at least every 12 months. BAM 210, p. 1. For FAP cases, benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. BAM 210, p. 1. If a client does not begin the redetermination process, the benefit period will be allowed to expire. BAM 210, p. 1.

On January 4, 2022, the Department sent Petitioner a redetermination form to be completed, with a due date of January 24, 2022. The redetermination advised Petitioner that if she did not complete the redetermination process, her benefits would end on February 28, 2022. The Department testified that Petitioner did not return the redetermination packet. As a result, Petitioner's FAP benefit case closed.

At the hearing, Petitioner testified that she did not receive the redetermination. Petitioner stated that her daughter's boyfriend ripped her mailbox down and she was not receiving any mail.

The role of the undersigned ALJ is to determine whether the Department properly followed policy when taking action on Petitioner's case. The Department presented sufficient evidence that a redetermination packet was mailed to Petitioner's address of record, and that Petitioner failed to return the form. There is no good cause exception for the failure to return a redetermination packet. Therefore, the Department acted in accordance with policy when it closed Petitioner's FAP benefit case.

### DECISION AND ORDER

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 policy when it closed Petitioner's FAP benefit case. Accordingly, the Department's decision is **AFFIRMED**.

UM neg

EM/tm

Ellen McLemore 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

Page 4 of 4 22-002214

## Via-Electronic Mail :

### DHHS

Susan Noel Wayne-Inkster-DHHS 26355 Michigan Ave Inkster, MI 48141

# **Interested-Parties**

M. Holden D. Sweeney BSC4 MOAHR



# Via-First Class Mail :