



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

[REDACTED]  
MI [REDACTED]

Date Mailed: June 23, 2022  
MOAHR Docket No.: 22-002285  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler**

### **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 June 22, 2022. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by Dawn Burnett, Assistance Payments Supervisor, and Edward Maddox, Eligibility Specialist.

### **ISSUE**

Did the Department properly close Petitioner's Food Assistance Program (FAP) benefits for failure to complete the redetermination process?

### **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 is blind and has had difficulties with completing forms and reading information.
2. In [REDACTED] 2021, Petitioner informed his caseworker Ms. Kelly that he would be moving in December 2021.
3. In [REDACTED] 2021, Petitioner moved to [REDACTED] Michigan [REDACTED]
4. On March 4, 2022, the Department issued a Redetermination to Petitioner at [REDACTED] Michigan [REDACTED] with a due date of March 24, 2022.
5. Effective May 1, 2022, Petitioner's FAP case closed for failure to complete the Redetermination process.

6. On May 23, 2022, the Department received Petitioner's request for hearing disputing the closure of his FAP case.

### **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.

In this case, the Department closed Petitioner's FAP case for failure to return the completed redetermination. The redetermination was mailed to Petitioner's previous address because Petitioner had not submitted his change of address in writing. However, Petitioner had advised his case worker verbally that he would be moving.

Per policy, clients are required to report changes in circumstances within ten days of the change itself. BAM 105 (April 2022), p. 12. Policy allows clients to report changes "in person, by mail or by telephone. The DHS-2240, Change Report Form, may be used by clients to report changes. However, it is **not** mandatory that changes be reported on the DHS-2240." BAM 105, p. 13. Furthermore, the Department should give or send the client a DHS-2240 at application, redetermination, or whenever it seems appropriate given the circumstances. *Id.* Finally, "the local office must assist clients who ask for help in completing forms, gathering verifications, and/or understanding written correspondence sent from the department. Particular sensitivity must be shown to clients who are illiterate, disabled or **not** fluent in English." BAM 105, p. 15.

Petitioner informed the Department in May 2021 that he would be moving in December 2021. The Department was also aware of Petitioner's blindness. Given Petitioner's verbal reporting of the future move combined with his blindness and difficulty with forms, the Department had a responsibility to assist Petitioner in completing any change reporting process. Because Petitioner reported his move six months before he actually moved and because of the nature of conveying addresses, the Department should have explained that a change report would be beneficial, provided him with the form, and assisted him in completing the form. If the Department had taken these actions when Petitioner reported his future change in address, the Department would have sent the Redetermination to his correct address and Petitioner may have been able to complete it on a timely basis. Therefore, the Department did not act in accordance with

Department policy when it closed Petitioner's FAP case for failure to complete the Redetermination process.

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 did not act in accordance with Department policy when it closed Petitioner's FAP benefits.

**DECISION AND ORDER**

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Assist Petitioner in completing the redetermination mailed March 4, 2022;
2. Reprocess the completed redetermination;
3. If otherwise eligible, issue supplements to Petitioner for benefits not previously received; and,
4. Notify Petitioner in writing of its decision.

AMTM/cc



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**Amanda M. T. Marler**  
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-Electronic Mail :**

**Interested Parties**

MDHHS-Wayne-76-Hearings  
BSC4-HearingDecisions  
D. Sweeney  
M. Holden  
MOAHR

**Via-First Class Mail :**

**Petitioner**

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