



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: December 16, 2022  
MOAHR Docket No.: 22-003895  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Zainab A. Baydoun**

### **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 December 8, 2022, from Detroit, Michigan. Petitioner appeared for the hearing with his Authorized Hearing Representative (AHR) [REDACTED]. The Department of Health and Human Services (Department) was represented by Staci Sanders, Eligibility Specialist.

### **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 was an ongoing recipient of FAP benefits. In connection with a redetermination, Petitioner's eligibility to receive FAP benefits was due for review.
2. On or around April 4, 2022, the Department sent Petitioner a redetermination for his FAP case that he was instructed to return by April 24, 2022. (Exhibit A, pp. 6-12)
3. Petitioner failed to return the redetermination and his FAP case closed automatically at the end of his benefit certification period on May 31, 2022.
4. On June 8, 2022, Petitioner submitted the redetermination to the Department. (Exhibit A, pp. 13-17)

5. On or around August 30, 2022, Petitioner requested a hearing disputing the Department's actions with respect to 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.

The Department must periodically redetermine or renew an individual's eligibility for active programs. The redetermination/renewal process includes a thorough review of all eligibility factors. Redetermination, renewal, semi-annual and mid-certification forms are often used to redetermine eligibility of active programs. BAM 210 (April 2022), p. 1. If a FAP client does not begin the redetermination process, the Department will allow the benefit period to expire. The redetermination process begins when the client files a: MDHHS-1171 Assistance Application; DHS-1010 Redetermination; DHS-1171, Filing Form; or DHS-2063B, Food Assistance Benefits Redetermination Filing Record. BAM 210, p. 3.

A FAP client must also complete an interview, unless an exception applies. If the client misses the interview, Bridges sends a DHS-254, Notice of Missed Interview. BAM 210, pp. 5-7. Before the Department proceeds with the FAP interview, it must receive the completed redetermination packet from the client. However, in Petitioner's case, a redetermination interview was not required. BAM 201, pp. 6-8. For FAP cases, benefits stop at the end of the benefit period unless a redetermination is completed, verifications received, and a new benefit period is certified. BAM 210, pp. 2-5. A redetermination is considered complete once all of the sections, including the signature section are completed. BAM 210, p.13. If the redetermination packet is not logged in by the last working day of the redetermination month, Bridges will automatically close the FAP case without sending a Notice of Case Action. BAM 210, p.14.

In this case, the Department representative testified that because Petitioner failed to timely submit a completed redetermination prior to the end of the May 31, 2022, certification period, his FAP case automatically closed. The Department representative confirmed that on June 8, 2022, it received a redetermination from Petitioner; however, because the certification period had already ended, the

redetermination could not be processed, and Petitioner was required to reapply for FAP benefits.

At the hearing, Petitioner's AHR did not dispute that the redetermination was not submitted prior to the end of the certification period on May 31, 2022. Petitioner's AHR testified that when she received the redetermination from Petitioner, she completed the form and sent it into the Department. Petitioner's AHR confirmed that the redetermination was submitted on June 8, 2022. Petitioner's AHR asserted that she contacted the Department to let Petitioner's caseworker know that she received the redetermination late and was going to be submitting the paperwork. She testified that she was told that the Department would review the documents submitted and determine whether Petitioner's benefits would be approved. Petitioner's AHR testified that if the Department would have told her that Petitioner's case would be closed, she would have reapplied right away.

Notwithstanding the AHR's testimony at the hearing, a review of the redetermination sent to Petitioner on or around April 4, 2022, shows that Petitioner was notified that his FAP benefits would end on May 31, 2022, unless he submitted the completed form, and all required proofs by the deadline identified on the form. Because Petitioner did not start the redetermination process prior to the end of the May 31, 2022, certification period, the Department properly closed his FAP case.

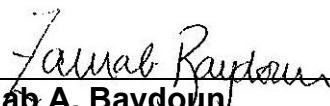
Towards the end of the hearing, Petitioner's AHR raised an additional concern regarding the amount of Petitioner's benefits. It was established however, that Petitioner had been approved for \$20 in FAP benefits since October 1, 2021, with no change in his FAP allotment. Additionally, Petitioner would have received FAP supplements to bring his benefits to the maximum amount for his group size. Petitioner's AHR failed to establish that there was a negative action taken with respect to Petitioner's FAP benefits in the 90 days prior to the request for hearing. See BAM 600.

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. Petitioner is informed that he is entitled to submit a new application for FAP benefits, and the Department would determine his eligibility.

### **DECISION AND ORDER**

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

ZB/ml

  
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**Zainab A. Baydoun**  
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 :**

**DHHS**

Corlette Brown  
Wayne-District 31 (Grandmont)  
17455 Grand River  
Detroit, MI 48227

**MDHHS-Wayne-31-Grandmont-Hearings@Michigan.gov**

**Interested Parties**

MOAHR  
BSC4  
M Holden  
D Sweeney

**Via First Class Mail :**

**Petitioner**

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**Authorized Hearing Rep.**

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