



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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Date Mailed: February 3, 2023
MOAHR Docket No.: 22-005650
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 January 4, 2023, from Detroit, Michigan. Petitioner appeared for the hearing and represented herself. The Department of Health and Human Services (Department) was represented by Roshanda Ruffin, Assistance Payments Supervisor and Dorothy Boyd, Eligibility Specialist.

ISSUE

Did the Department properly close Petitioner's Family Independence Program (FIP) and Food Assistance Program (FAP) cases?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On or around [REDACTED] 2022, Petitioner submitted an application requesting FIP benefits.
2. On or around August 15, 2022, the Department sent Petitioner a Notice of Case Action advising her that the FIP application was denied because she failed to verify requested information. The Notice of Case Action further advised Petitioner that in order to dispute the denial or appeal the Department's actions, she was required to file a request for hearing by November 14, 2022.
3. Petitioner was an ongoing recipient of FAP benefits. In connection with a redetermination, Petitioner's eligibility to receive FAP benefits was reviewed. Petitioner was to complete and return the redetermination prior to October 31, 2022.

4. On or around October 29, 2022, Petitioner timely submitted a completed FAP redetermination to the Department.
5. The Department closed Petitioner's FAP case effective October 31, 2022, in error.
6. On or around November 29, 2022, Petitioner requested a hearing disputing the Department's actions with respect to the FIP and FAP.

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).

FIP

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Department of Human Services) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101-.3131.

A client's request for hearing must be in writing and signed by an adult member of the eligible group, or authorized hearing representative (AHR). Department of Health and Human Services Bridges Administrative Manual (BAM) 600 (March 2021), pp. 1-2. Moreover, BAM 600, pp. 6-7 provides that a request for hearing must be received in the Department local office within 90 days of the date of the written notice of case action. The Michigan Office of Administrative Hearings and Rules (MOAHR) may grant a hearing about a denial of an application and/or supplemental payments; reduction in the amount of program benefits or service; suspension or termination of program benefits or service; restrictions under which benefits or services are provided or delay of any action beyond the standards of promptness. BAM 600, pp. 4-6.

In the present case, Petitioner submitted a request for hearing on November 29, 2022, disputing the Department's denial of her [REDACTED] 2022, FIP application. The Department representative testified that Petitioner's application was denied because she failed to submit requested verifications. The Department representative testified that on August 15, 2022, a Notice of Case Action was issued, advising Petitioner that the FIP application was denied. Petitioner confirmed that she received the Notice of Case Action in August 2022. Upon review, the Notice of Case Action advised Petitioner that the Department must receive her request for appeal within 90 days of the mailing date of the notice, on or before November 14, 2022. As referenced above, Department policy requires that an appeal be filed within 90 days of the negative case action. Petitioner received the Notice of Case Action and was aware that her FIP application had been denied in August 2022. There was no evidence presented that Petitioner filed a request

for hearing prior to November 29, 2022, therefore, Petitioner's hearing request was not timely filed within ninety days of the August 15, 2022, Notice of Case Action and is, thereby, **DISMISSED** for lack of jurisdiction.

FAP

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, Petitioner requested a hearing disputing the closure of her FAP case. Petitioner testified that she has not received any FAP benefits since October 2022.

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.

At the hearing, the Department representative testified that Petitioner's FAP case was due for a redetermination that she was instructed to submit prior to the end of the benefit period on October 31, 2022. The Department representative testified that although Petitioner timely submitted the redetermination on October 29, 2022, her FAP case was closed in error. The Department representative conceded that the redetermination should have been processed and Petitioner's benefits should have been certified as of November 1, 2022.

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 case.


DECISION AND ORDER

Accordingly, the hearing request with respect to FIP is **DISMISSED** and the Department's FAP 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. Reinstate Petitioner's FAP case November 1, 2022 and continue processing her redetermination;
2. Issue FAP supplements to Petitioner for any benefits she was eligible to receive but did not, if any, from November 1, 2022, ongoing, in accordance with Department policy; and
3. Notify Petitioner in writing of its decision.

ZB/ml



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
Richard Latimore
Wayne-Conner-DHHS
4733 Conner
Detroit, MI 48215
**MDHHS-Wayne-57-
Hearings@michigan.gov**

Interested Parties

BSC4
B Sanborn
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MOAHR

Via First Class Mail :

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