



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: January 13, 2023  
MOAHR Docket No.: 22-005759  
Agency No.: ██████████  
Petitioner: ██████████

**ADMINISTRATIVE LAW JUDGE: Linda Jordan**

### **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 on January 5, 2023 via teleconference. Petitioner appeared and represented herself. Michael Heck, Caseworker, and Corlette Brown, Hearings Facilitator, appeared on behalf of the Michigan Department of Health and Human Services (MDHHS or Department).

### **ISSUES**

1. Did Petitioner submit a timely Request for Hearing regarding the denial of the ██████████ 2022 application for Family Independence Program (FIP)/cash assistance?
2. Did MDHHS properly terminate Petitioner's Food Assistance Program (FAP) benefits?

### **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 ██████████, 2022, Petitioner applied for FIP and FAP benefits on behalf of herself (Exhibit A, pp. 6-9). At this time, Petitioner had an open and active FAP case, which included her two minor children. Petitioner was excluded from the FAP group based on an employment-related sanction.
2. On August 24, 2022, MDHHS sent Petitioner a Notice of Case Action denying her application for FIP benefits, effective September 26, 2022 ongoing (Exhibit A, p.

- 17). The reason for the denial was that Petitioner's group was no longer eligible for FIP benefits due to three employment-related noncooperation sanctions (Exhibit A, p. 18). The notice also indicated that the deadline for appealing the decision was November 22, 2022 (Exhibit A, p. 18).
3. On October 4, 2022, MDHHS sent Petitioner a Redetermination Packet, which indicated that her household's FAP benefits would end if she did not return the forms by October 24, 2022 (Exhibit A, p. 21).
  4. On November 1, 2022, MDHHS sent Petitioner a Notice of Missed Appointment, indicating that she failed to return the Redetermination Packet timely and/or she missed a scheduled interview (Exhibit A, p. 28). MDHHS terminated Petitioner's FAP benefits for failing to return the Redetermination Packet by the end of November (Exhibit A, p. 1).
  5. On December 1, 2022, Petitioner filed a Request for Hearing to challenge the denial of her FIP application and the termination of her FAP benefits.

### **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 Family Independence Program (FIP)**

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. MDHHS 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.

Regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in Mich Admin Code, R 792.10101 to R 792.10137 and R 792.11001 to R 792.11020. Rule 792.11002(1) provides as follows:

An opportunity for a hearing shall be granted to an applicant who requests a hearing because his or her claim for assistance is denied or is not acted upon with reasonable promptness, has received notice of a suspension or reduction in benefits, or exclusion from a service program, or has experienced a failure of the agency to take into account the recipient's choice of service.

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). BAM 600 (March 2021), p. 2. Moreover, a request for hearing must be received in the MDHHS local office within 90 days of the date of the written notice of case action. *Id.*, p. 6.

In the present case, MDHHS sent Petitioner a Notice of Case Action denying her application for FIP benefits on August 24, 2022 (Exhibit A, p. 17). The Notice of Case Action included information regarding Petitioner's hearing rights and stated that MDHHS must receive a Request for Hearing within 90 days of the mailing date of the notice (Exhibit A, p. 18). Accordingly, Petitioner was required to submit a Request for Hearing on this issue on or before November 22, 2022 (Exhibit A, p. 18). Petitioner submitted a Request for Hearing on December 1, 2022 (Exhibit A, p. 3). Because the Request for Hearing was not submitted timely, the undersigned Administrative Law Judge lacks jurisdiction to hear the case.

Accordingly, Petitioner's Request for Hearing regarding the FIP application denial is dismissed because the request was not submitted timely.

### **The Food Assistance Program (FAP)**

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 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, MDHHS terminated Petitioner's FAP benefits because she failed to return the Redetermination Packet in a timely manner. Petitioner acknowledged that she did not return the Redetermination Packet.

MDHHS is required to periodically redetermine or renew an individual's eligibility for active benefit programs, including FAP. BAM 210 (October 2022), p. 1. For FAP, benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. *Id.*, p. 3. To receive uninterrupted benefits, the client must file the redetermination by the 15th day of the redetermination month. BAM 210, p. 16. MDHHS is required to complete an interview with the client and may need to request additional verifications to confirm the client's eligibility. Verifications for FAP must be provided by the end of the current benefit period or within ten days after they are requested, whichever allows more time. BAM 210, pp. 18-19.

If a client files an application for redetermination before the end of the benefit period, but fails to take a required action, the case is denied at the end of the benefit period. BAM 210, p. 22. If the client completes the required action within 30 days after the end of the benefit period, MDHHS must re-register the redetermination application using the date the client completed the process and if client is eligible, prorate benefits from the date the redetermination application was registered. BAM 210, p. 22.

Here, it is undisputed that Petitioner did not return her Redetermination Packet to MDHHS in a timely manner and there was no evidence that Petitioner had returned the packet at any point prior to the date of hearing. Petitioner argued that she did not return the Redetermination Packet because she was wrongfully excluded from the FAP group due to a sanction for employment-related activities. Regardless of this issue, Petitioner was required to return the Redetermination Packet on behalf of her children as the adult member of the household.

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 MDHHS acted in accordance with Department policy when it terminated Petitioner's FAP benefits for failing to return the Redetermination Packet timely.

**DECISION AND ORDER**

Petitioner's Request for Hearing regarding the FIP application denial is hereby, **DISMISSED**, because the request was not received in a timely manner.

MDHHS' decision regarding Petitioner's FAP benefits is **AFFIRMED**.

**IT IS SO ORDERED.**

LJ/tm

  
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**Linda Jordan**  
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:**

M. Holden  
D. Sweeney  
BSC4

**Via-First Class Mail :**

**Petitioner**

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