



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: March 30, 2023
MOAHR Docket No.: 23-000136
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 March 1, 2023, from Detroit, Michigan. Petitioner was represented by her husband, [REDACTED]. The Department of Health and Human Services (Department) was represented by Corey Reed, Assistance Payments Supervisor and Ramzi Younes, Eligibility Specialist who served as Arabic Interpreter.

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 reviewed.
2. On or around November 28, 2022, Petitioner timely submitted a completed FAP redetermination to the Department.
3. On or around December 14, 2022, the Department sent Petitioner a Verification Checklist (VCL) instructing her to submit proof of self-employment earnings for husband by December 27, 2022. The VCL instructed Petitioner to provide proof of self-employment and expense records over the last year as 30 days of income was not an accurate reflection of actual earnings. (Exhibit A, pp.17 – 19)
4. On or around December 27, 2022, Petitioner submitted verifications of her husband's income from [REDACTED] for only the month of December 2022.

5. On or around December 29, 2022, the Department sent Petitioner a Notice of Case Action, advising her that effective January 1, 2023, her FAP case closed due to a failure to submit verification of self-employment income. (Exhibit A, pp.12 – 16)
6. On or around January 9, 2023, Petitioner's husband requested a hearing disputing the closure of the 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, Petitioner requested a hearing to dispute the closure of her FAP case effective January 1, 2023.

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 (October 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. Additional verifications may be required at redetermination or renewal. For FAP cases, verifications must be provided by the end of the current benefit period **or** within 10 days after they are requested, whichever allows more time. The Department will issue a DHS-3503, Verification Checklist after the redetermination interview for any missing verifications allowing 10 days for their return. BAM 210, pp. 17-18. 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 in connection with the redetermination, Petitioner's eligibility to receive FAP benefits was reviewed. The Department representative testified that although Petitioner timely submitted verification of her husband's income for the month of December 2022, because the additional self-employment income and expense information was not submitted for the remaining months requested, the Department issued the December 29, 2022, Notice of Case Action, advising Petitioner of the closure of her FAP case. Upon review of Petitioner's case at the hearing, the Department representative testified that on or around January 17, 2023, Petitioner submitted the remaining requested verifications of self-employment income, specifically, verification of self-employment from [REDACTED] for the months of September 2022 through November 2022, which was sufficient to verify and prospectively budget his income. The Department representative also testified that Petitioner's FAP case is showing as approved but had not been certified for approval as of the hearing date. The Department representative testified that based on the subsequent processing policy, because Petitioner submitted the requested verifications, her FAP case should be reinstated back to January 1, 2023, and supplements issued if eligible.

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 for failure to return a redetermination.

DECISION AND ORDER

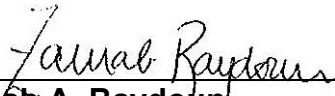
Accordingly, the Department's decision is **REVERSED**.

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. Reinstatement of Petitioner's FAP case January 1, 2023, and continue processing her redetermination/verification of self-employment income;
2. Issue FAP supplements to Petitioner for any benefits she was eligible to receive but did not, if any, from January 1, 2023, 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
Tara Roland 82-17
Wayne-Greenfield/Joy-DHHS
8655 Greenfield
Detroit, MI 48228
**MDHHS-Wayne-17-
hearings@michigan.gov**

Interested Parties

BSC4
M Holden
D Sweeney
MOAHR

Via First Class Mail :

Petitioner

██████████
████████████████████
██████████ MI ██████████