



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: April 17, 2023
MOAHR Docket No.: 23-001185
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 April 13, 2023, from Lansing, Michigan. [REDACTED], the Petitioner, appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Veronica Rumschlag, Assistance Payments (AP) Supervisor and Leonah Hill, Caseworker. Julie Parrish, AP Supervisor, was present as an observer.

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-13.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) benefit 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's FAP case was due for review in December 2022.
2. On November 4, 2022, a Redetermination form was sent to Petitioner with a due date of November 24, 2022. The form advised that FAP benefits would end if the form was not submitted. Specifically, that FAP benefits would end on December 31, 2022 and the redetermination form must be filed by December 15, 2022 in order to receive uninterrupted FAP benefits. (Exhibit A, pp. 5-11)

3. The Department did not receive the Redetermination form back from Petitioner. (Exhibit A, p. 12)
4. Petitioner's FAP benefits ended effective January 1, 2023 because the Redetermination was not returned. (Exhibit A, p. 2)
5. On February 27, 2023, Petitioner requested a hearing contesting the Department's determination. (Exhibit A, p. 4)

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 Michigan Department of Health & Human Services (MDHHS) must periodically redetermine or renew an individual's eligibility for active programs. The redetermination/renewal process includes thorough review of all eligibility factors. BAM 210, October 1, 2022, p. 1. If the redetermination packet is not logged in by the last working day of the redetermination month, Bridges automatically closes the case. A Notice of Case Action is not generated. BAM 210, p. 13.

The group loses its right to uninterrupted FAP benefits if it fails to do any of the following: file the FAP redetermination by the timely filing date; participate in the scheduled interview; or submit verifications timely, provided the requested submittal date is after the timely filing date. BAM 210, pp. 21-22.

In this case, Petitioner's FAP case was due for review in December 2022. On November 4, 2022, a Redetermination form was sent to Petitioner with a due date of November 24, 2022. The form advised that FAP benefits would end if the form was not submitted. Specifically, that FAP benefits would end on December 31, 2022 and the redetermination form must be filed by December 15, 2022 in order to receive uninterrupted FAP benefits. (Exhibit A, pp. 5-11). The Department did not receive the Redetermination form back from Petitioner. (Exhibit A, p. 12). Accordingly, Petitioner's FAP benefits ended effective January 1, 2023 because the Redetermination was not returned. (Exhibit A, p. 2).

Petitioner testified that she did not receive the November 4, 2022 Redetermination form in the mail. If Petitioner had received the form, she would have returned it. Petitioner noted that she did not receive notice that her FAP case would close. (Petitioner Testimony).

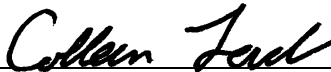
The evidence establishes that the Department properly sent the required redetermination form to Petitioner's mailing address of record. (Exhibit A, pp. 5-11). The redetermination form was not returned completed by Petitioner and was not received back as returned mail. (Exhibit A, p. 12; Department Testimony). Therefore, the closure of Petitioner's FAP case at the end of the certification period was in accordance with the BAM 210 policy.

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 Food Assistance Program (FAP) benefit case.

DECISION AND ORDER

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

CL/ml



Colleen Lack
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
Kimberly Kornoelje
Kent County DHHS
121 Franklin SE
Grand Rapids, MI 49507
MDHHS-Kent-Hearings@michigan.gov

Interested Parties
BSC3
M Holden
D Sweeney
MOAHR

Via First Class Mail :

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