



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: June 2, 2023  
MOAHR Docket No.: 23-002359  
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 May 24, 2023 via teleconference. ██████████, adult household member and Food Assistance Program (FAP) group member, appeared on behalf of Petitioner. Raven Douthard, Hearings Facilitator, appeared on behalf of the Michigan Department of Health and Human Services (MDHHS or Department).

### **ISSUE**

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. Petitioner was an ongoing recipient of FAP benefits.
2. On February 4, 2023, MDHHS sent Petitioner a Redetermination packet, which instructed Petitioner to answer the questions on the form and submit it to MDHHS by February 24, 2023 (Exhibit A, p. 7). The Redetermination stated that FAP benefits would end on March 31, 2023 if Petitioner did not return the form (Exhibit A, p. 7).
3. On April 1, 2023, MDHHS terminated Petitioner's FAP benefits for failure to return the Redetermination packet.
4. On April 28, 2023, Petitioner filed a Request for Hearing to dispute 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 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. 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 for failure to return the Redetermination packet.

MDHHS is required to periodically redetermine or renew an individual's eligibility for active programs. BAM 210 (October 2022), p. 1. The redetermination/renewal process includes a thorough review of all eligibility factors. *Id.* For most programs, a complete redetermination or renewal is required at least every 12 months. *Id.*, p. 3. For FAP, benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. *Id.* If the client does not begin the redetermination process, MDHHS allows the benefit period to expire. *Id.* Late redeterminations are processed according to subsequent process rules. *Id.*, pp. 22-23. 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. *Id.*, p. 22. If the client takes the required action within 30 days after the end of the benefit period, MDHHS is required to re-register the redetermination application using the date the client completed the process and if the client is eligible, prorate the benefits from the date the redetermination application was registered. *Id.* Local offices must assist clients who need and request help to complete applications, forms and obtain verifications. See *generally*, BAM 130 (January 2022).

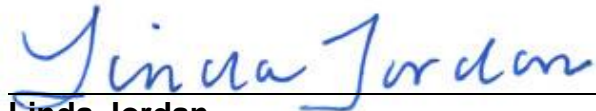
Here, MDHHS testified that it sent the Redetermination Packet to Petitioner's current address on February 4, 2023 and that it did not receive any returned mail. MDHHS further alleged that it did not receive Petitioner's Redetermination packet by the deadline and still had not received the packet as of the date of the hearing. Petitioner did not dispute that the household failed to return the Redetermination packet but testified that she did not receive the packet. She further testified that she went into the local office for assistance on May 8, 2023. However, it is unclear whether Petitioner requested assistance or a new Redetermination packet prior to that time. Because MDHHS had not received the Redetermination packet prior to the end of Petitioner's benefit period, it followed policy by allowing the benefits to expire. Petitioner is advised that she may reapply for FAP benefits at any time.

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 and closed her case.

**DECISION AND ORDER**

Accordingly, MDHHS' decision is **AFFIRMED**.

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**  
Jeanenne Broadnax  
Wayne-Taylor-DHHS  
25637 Ecorse Rd.  
Taylor, MI 48180  
**MDHHS-Wayne-18-  
Hearings@michigan.gov**

**Interested Parties**

M. Holden  
D. Sweeney  
BSC4

**Via-First Class Mail :**

**Petitioner**

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