



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: June 16, 2023
MOAHR Docket No.: 23-002517
Agency No.: [REDACTED]
Petitioner: [REDACTED] [REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 June 8, 2023. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Stephanie Abernathy, Family Independence Manager (FIM). The Department submitted Department Exhibit, pgs. 1-26, that was admitted and made a part of the record.

ISSUE

Did the Department properly determine the Petitioner's eligibility for 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. The Petitioner was a recipient of FAP benefits with a redetermination due.
2. On March 24, 2023, the Department Caseworker received the Petitioner's Redetermination Application, DHS 1010.
3. On April 3, 2023, the Department Caseworker conducted the Interview Guide with the Petitioner over the phone.
4. On April 7, 2023, the Department Caseworker sent the Petitioner a Verification Checklist, DHS 3503, that was due on April 17, 2023, for the Petitioner to provide written verification of a copy of her current monthly pension statement and self-employment verification for her son.

5. On May 3, 2023, the Department received a hearing request from the Petitioner, contesting the Department's negative action.
6. On May 5, 2023, the Department Caseworker sent the Petitioner a Benefit Notice, DHS-176, stating the Petitioner failed to provide the requested income information of her current pension statement and self-employment that was due on or before April 17, 2023, and effective May 1, 2023, her FAP case was closed.

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, the Petitioner was a recipient of FAP benefits with a redetermination due. On March 24, 2023, the Department Caseworker received the Petitioner's Redetermination Application, DHS 1010. On April 3, 2023, the Department Caseworker conducted the Interview Guide with the Petitioner over the phone. On April 7, 2023, the Department Caseworker sent the Petitioner a Verification Checklist, DHS 3503, that was due on April 17, 2023, for the Petitioner to provide written verification of a copy of her current monthly pension statement and self-employment verification for her son. On May 3, 2023, the Department received a hearing request from the Petitioner, contesting the Department's negative action. On May 5, 2023, the Department Caseworker sent the Petitioner a Benefit Notice, DHS-176, stating the Petitioner failed to provide the requested income information of her current pension statement and self-employment that was due on or before April 17, 2023, and effective May 1, 2023, her FAP case was closed. BAM 105, 130, 210, and 600. BEM 212, 500, and 503.


During the hearing, the FIM stated that the Petitioner's FAP benefits have been restored with no loss of benefits. The Program Manager called and got confirmation of the Petitioner's pension amount from her provider. The Petitioner's FAP benefits are on her card. The FIM was going to see if a manual notice could be sent to the Petitioner.

DECISION AND ORDER

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 determined the Petitioner's eligibility for FAP benefits.

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

CF/nr



Carmen G. Fahie
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

Trista Waishkey
Washtenaw County DHHS
22 Center Street
Ypsilanti, MI 48198

MDHHS-Washtenaw-Hearings@michigan.gov

Interested Parties

Washtenaw County DHHS
BSC4
M Holden
D Sweeney
MOAHR

Via First Class Mail:

Petitioner

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