



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: August 17, 2023  
MOAHR Docket No.: 23-004048  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**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 August 9, 2023 via teleconference. Petitioner appeared and represented herself. Sara Estes, Hearings Facilitator, appeared on behalf of the Michigan Department of Health and Human Services (MDHHS or Department).

### **ISSUE**

Did MDHHS 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.
2. On May 4, 2023, MDHHS sent Petitioner a FAP Redetermination, which included instructions to complete and return the form to MDHHS by May 24, 2023 (Exhibit A, p. 6).
3. On May 24, 2023, Petitioner returned the FAP Redetermination Packet to a local MDHHS office (Exhibit 1, pp. 1-4).
4. On June 30, 2023, MDHHS determined that it had not received the Redetermination Packet by the last working day of the redetermination month, which was June 2023 (Exhibit A, p. 3). MDHHS closed Petitioner's FAP case, effective July 1, 2023 (Exhibit A, pp. 1, 3).

5. On July 10, 2023, Petitioner requested a hearing to dispute the termination of her FAP benefits (Exhibit A, p. 4).

### **CONCLUSIONS OF LAW.**

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 on June 30, 2023 and closed her case, effective July 1, 2023, for failing to return the Redetermination Packet by the deadline. Petitioner disputed MDHHS' contention and provided proof that she returned the Redetermination Packet timely.

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.

At the hearing, MDHHS testified that Petitioner returned paperwork on May 24, 2023 to the local office but stated that the Redetermination Packet was missing pages. MDHHS also acknowledged that it did not process the documentation that Petitioner submitted in a timely manner because it was initially lost by MDHHS and then recovered at some point. Petitioner disputed MDHHS' allegation that she only returned a partial Redetermination Packet and provided a copy of what she submitted to MDHHS (Exhibit 1, pp. 1-4). Based on the evidence presented, Petitioner returned the complete Redetermination Packet in a timely manner.

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 did not act in accordance with Department policy when it closed Petitioner's FAP case.

**DECISION AND ORDER**

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

MDHHS 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. Reinstate Petitioner's FAP case, effective July 1, 2023 ongoing;
2. Redetermine Petitioner's eligibility for FAP benefits, effective July 1, 2023 ongoing; and
3. Issue supplemental payments to Petitioner for any FAP benefits that she was eligible to receive but did not, from July 31, 2023 ongoing; and
4. Notify Petitioner of its decision in writing.

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

