



STATE OF MICHIGAN

GRETCHEN WHITMER  
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
SUZANNE SONNEBORN  
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA  
ACTING DIRECTOR



Date Mailed: September 26, 2023  
MOAHR Docket No.: 23-004115  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm**

### **HEARING DECISION**

On [REDACTED] 2023, Petitioner, [REDACTED] requested a hearing to dispute her Food Assistance Program (FAP) closure. As a result, a hearing was scheduled to be held on September 21, 2023, pursuant to MCL 400.9, 7 CFR 273.15, and Mich Admin Code, R 792.11002. Petitioner appeared and represented herself. Respondent, Department of Health and Human Services (Department) had Deidraanee Wright, Eligibility Specialist, appear as its representative. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. An 18-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

### **ISSUE**

Did the Department properly close Petitioner's 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 Department issued a redetermination form to Petitioner to renew her eligibility for FAP benefits. The Department stated on the form that Petitioner's renewal due date was July 31, 2023.
2. On June 6, 2023, Petitioner submitted a redetermination to renew her eligibility for FAP benefits.

3. The Department mailed a verification checklist to Petitioner to obtain verification of income. The verification checklist instructed Petitioner to provide verification of her income as well as [REDACTED] income by June 12, 2023.
4. Petitioner provided the Department with information in response to the verification checklist. Petitioner provided copies of [REDACTED] pay information, but it did not list [REDACTED] name, so the Department could not use it.
5. The Department closed Petitioner's FAP benefits because the Department was unable to renew Petitioner's eligibility based on the information she provided to the Department.
6. On [REDACTED] 2023, Petitioner reapplied for FAP benefits, and Petitioner provided the proof of income the Department required, so the Department approved Petitioner for FAP benefits effective [REDACTED] 2023.
7. Petitioner requested a hearing to dispute the FAP closure.

### **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) 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 administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

A complete redetermination/renewal is required at least every 12 months. BAM 210 (October 1, 2022), p. 3. FAP benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit year is certified. *Id.* In this case, Petitioner was due to renew her FAP benefits. The Department issued a redetermination form to Petitioner for her to complete and return to renew her FAP benefits, and the Department stated on the form that the due date was July 31, 2023.

On [REDACTED] 2023, Petitioner provided the Department with all the documentation the Department required to approve her FAP benefits. Since Petitioner provided the Department with all the documentation required to approve her FAP benefits before her renewal due date, the Department should not have closed Petitioner's FAP benefits. During a renewal, verifications are not due until the end of the current benefit period or 10 days after the verifications are requested, whichever allows more time. *Id.* at 17. Thus, Petitioner had until July 31, 2023, to provide the verification of [REDACTED] income, and the Department should not have closed Petitioner's FAP benefits before July 31, 2023.

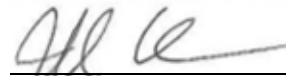
Petitioner also asserted that her Medical Assistance (MA) benefits were closed. The Department acknowledged that it closed Petitioner's MA when it closed Petitioner's FAP, but the Department asserted that it reinstated her MA with no interruption in coverage. Although Petitioner did not have MA for a period of time, Petitioner's MA was subsequently reinstated retroactive, so Petitioner did not have an interruption in her MA. Thus, Petitioner's MA has already been addressed by the Department.

### **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 did not act in accordance with its policies and the applicable law when it closed Petitioner's Food Assistance Program benefits.

IT IS ORDERED, the Department's decision is **REVERSED**. The Department shall reinstate Petitioner's FAP benefits effective the date of the closure so that Petitioner does not have any interruption in her FAP benefits. The Department shall begin to implement this decision within 10 days of the date of mailing of this decision and order.

JK/ml



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**Jeffrey Kemm**  
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**

Corlette Brown  
Wayne-District 31 (Grandmont)  
17455 Grand River  
Detroit, MI 48227

**MDHHS-Wayne-31-Grandmont-Hearings@Michigan.gov**

**Interested Parties**

BSC4  
M Holden  
D Sweeney  
MOAHR

**Via First Class Mail:**

**Petitioner**

[REDACTED]  
MI [REDACTED]