



GRETCHEN WHITMER
GOVERNOR

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

MARLON I. BROWN, DPA
ACTING DIRECTOR

[REDACTED], MI [REDACTED]

Date Mailed: October 27, 2023
MOAHR Docket No.: 23-005061
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Linda Jordan

**HEARING DECISION
AND ORDER OF DISMISSAL**

Following Petitioner's Request for 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 October 18, 2023, via teleconference. Petitioner appeared and represented herself. The Michigan Department of Health and Human Services (MDHHS or Department) did not appear.

Petitioner requested the hearing to dispute MDHHS' determinations regarding her Food Assistance Program (FAP) benefits, State Emergency Relief (SER) application and Medicaid (MA) coverage. During the hearing, Petitioner testified that the disputes regarding SER and MA had been resolved and that she no longer wished to proceed with the hearing on those matters. Petitioner requested to withdraw her Request for Hearing regarding SER and MA, and the undersigned Administrative Law Judge granted her request on the record. Pursuant to the withdrawal of the Request for Hearing, the matters involving SER and MA, are hereby **DISMISSED**. The remaining issue in dispute involves Petitioner's FAP benefits.

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 June 1, 2023, MDHHS sent Petitioner a Semi-Annual Contact Report for FAP (Exhibit 1, p. 8).
3. On July 10, 2023, MDHHS sent Petitioner a Notice of Food Assistance (FAP) Closure, indicating that her FAP case would be closed, effective July 31, 2023, for failure to complete the Semi-Annual Contact Report (Exhibit 1, p. 13).
4. On August 21, 2023, Petitioner requested a hearing to dispute MDHHS' determinations regarding her FAP, SER and MA benefits (Exhibit 1, pp. 4-6).

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 complete and return the Semi-Annual Contact Report. MDHHS did not appear at the hearing. The Hearing Packet prepared by MDHHS for the hearing was entered into evidence at the hearing as Petitioner's Exhibit 1. Therefore, this decision is based on Petitioner's testimony and the documents prepared by MDHHS.

MDHHS is required to periodically redetermine or renew an individual's eligibility for active benefit programs, including FAP. BAM 210 (October 2022), p. 1. For FAP, benefits stop at the end of the benefit period unless a redetermination is completed, and a new benefit period is certified. *Id.*, p. 3. To receive uninterrupted benefits, the client must file the redetermination by the 15th day of the redetermination month. BAM 210, p. 16. MDHHS is required to complete an interview with the client and may need to request additional verifications to confirm the client's eligibility. Verifications for FAP must be provided by the end of the current benefit period or within ten days after they are requested, whichever allows more time. BAM 210, pp. 18-19

Here, Petitioner credibly testified that she previously completed the redetermination process after her FAP benefits were terminated and then reinstated earlier this year. Petitioner testified that she spoke with a caseworker over the phone who previously processed her redetermination and reinstated her FAP benefits. Petitioner stated that the caseworker told her that the June 1, 2023, Semi-Annual Contact Report was sent in error and that she should disregard it. MDHHS did not participate in the hearing and did

not present evidence regarding Petitioner's FAP benefit period or the events that occurred prior to the decision to terminate Petitioner's FAP benefits. Petitioner's testimony was credible and unrebutted.

Due to the potential confusion caused by MDHHS regarding the redetermination process and the lack of testimony from MDHHS regarding the reasons for the termination of Petitioner's FAP benefits, MDHHS failed to satisfy its burden of showing that it acted in accordance with Department policy when it terminated Petitioner's FAP benefits.

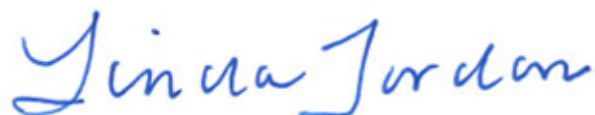
DECISION AND ORDER

Pursuant to the withdrawal of Petitioner's Request for Hearing, the matters involving MA and SER are **DISMISSED**.

MDHHS' decision regarding Petitioner's FAP benefits 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 and redetermine her eligibility for FAP, beginning July 31, 2023, ongoing.
2. Issue supplemental payments for any FAP benefits that Petitioner was eligible to receive, but did not, from July 31, 2023, ongoing; and
3. Notify Petitioner of its decision in writing.



LJ/nr

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

Denise Key-McCoggle
Wayne-Greydale-DHHS
27260 Plymouth Rd
Redford, MI 48239

**MDHHS-Wayne-15-Greydale-
Hearings@michigan.gov**

Interested Parties

Wayne 15 County DHHS
BSC4
M. Holden
N. Denson-Sogbaka
B. Cabanaw
MOAHR

Via-First Class Mail :

Petitioner

[REDACTED]
[REDACTED], MI [REDACTED]