



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

[REDACTED]
MI [REDACTED]

Date Mailed: October 12, 2023
MOAHR Docket No.: 23-005333
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

On August 29, 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 October 5, 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 Valarie Foley, Hearing Facilitator, 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. Petitioner's FAP benefit renewal was due July 31, 2023.
2. On July 31, 2023, Petitioner completed an online renewal of her FAP benefits.
3. Petitioner did not complete an interview to renew her FAP benefits by July 31, 2023.
4. Petitioner's FAP benefits closed because Petitioner's renewal was not completed before the end of her benefit period.

5. Petitioner attempted to call the Department to schedule an interview on August 1, 2023, and August 13, 2023.
6. On August 30, 2023, Petitioner completed an interview to renew her FAP benefits.
7. On August 30, 2023, the Department issued a notice of case action to Petitioner to notify her that she was approved for FAP benefits effective August 30, 2023.
8. 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. A renewal is a full review of eligibility factors completed annually. *Id.* at p. 1. In order for a renewal to be completed timely, the client must submit a completed renewal no later than the 15th of the renewal month. *Id.* at p. 16. The Department is required to interview a client prior to renewing eligibility for FAP benefits. 7 CFR 273.14(3). FAP benefits stop at the end of the benefit period unless a renewal is completed and a new benefit year is certified. *Id.* at p. 3. When a client submits a renewal before the end of the benefit period but fails to take required action, the case is denied at the end of the benefit period. *Id.* at p. 22. The renewal is re-registered when the client completes the required action, and benefits are prorated from that date. *Id.*

In this case Petitioner's FAP benefits renewal was due July 31, 2023. Since Petitioner's FAP benefits were due to renew in July, Petitioner was required to submit her completed renewal by July 15, 2023. Petitioner did not submit her completed renewal timely because she did not submit it until July 31, 2023. The Department was unable to renew Petitioner's FAP benefits because Petitioner had to complete an interview first. Petitioner did not complete her interview until August 30, 2023, so the Department renewed Petitioner's benefits effective August 30, 2023.

The Department followed the applicable policies when it closed Petitioner's FAP benefits at the end of her benefit period because Petitioner did not complete a timely renewal. The Department also followed applicable policies when it renewed Petitioner's

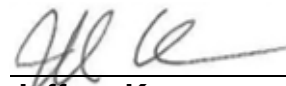
benefits effective August 30, 2023, because that is the date that Petitioner completed her required interview.

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 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 **AFFIRMED**.

JK/ml



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
Susan Noel
Wayne-Inkster-DHHS
26355 Michigan Ave
Inkster, MI 48141
MDHHS-Wayne-19-Hearings@michigan.gov

Interested Parties

BSC4
M Holden
D Sweeney
MOAHR

Via First Class Mail:

Petitioner

[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]