



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: December 4, 2023
MOAHR Docket No.: 23-007488
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

On October 17, 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 November 30, 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 Amber Gibson, Hearing Facilitator, appear as its representative. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 20-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. On February 4, 2023, the Department mailed a redetermination form to Petitioner to renew her eligibility for FAP benefits. The form instructed Petitioner to complete the form and then return it to the Department by February 24, 2023. The form stated, "your FAP benefits will end on March 31, 2023. You must submit your redetermination form or filing form by March 15, 2023, in order to receive uninterrupted FAP benefits."

2. The Department did not renew Petitioner's FAP benefits because it did not receive a completed redetermination form from Petitioner, so Petitioner's FAP benefit's closed effective March 31, 2023.
3. The Department did not send a written notice to Petitioner to notify her that her FAP benefits closed effective March 31, 2023.
4. Petitioner did not return the redetermination form to the Department until May 1, 2023, and Petitioner's FAP benefits had already closed when the Department received the redetermination form, so the Department could not renew Petitioner's FAP benefits.
5. On [REDACTED] 2023, Petitioner reapplied for FAP benefits.
6. The Department approved Petitioner for FAP benefits effective June 20, 2023.
7. On October 17, 2023, 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. 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.

In this case Petitioner's FAP benefits renewal was due March 31, 2023. Since Petitioner's FAP benefits were due to renew in March, Petitioner was required to submit her completed renewal by March 15, 2023. Petitioner did not submit her completed renewal timely because she did not submit it until May 1, 2023. Since Petitioner did not submit her completed renewal timely, Petitioner's FAP benefits closed at the end of the benefit period on March 31, 2023. A notice of closure is not issued when FAP benefits close at the end of a benefit period because a redetermination was not submitted. BAM 220 (April 1, 2023), p. 5. 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.

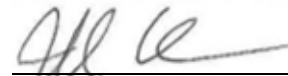
Petitioner reapplied for FAP benefits on [REDACTED] 2023, and the Department determined that Petitioner was eligible for FAP benefits effective June 20, 2023. When a client submits an application for FAP benefits, and the Department determines that the client is eligible, the client's FAP benefits begin on the application date. BAM 115 (January 1, 2023), p. 28. Thus, the Department also followed applicable policies when it determined that Petitioner was eligible for FAP benefits effective her application date of [REDACTED] 2023.

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



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

Amber Gibson
Ingham County DHHS
5303 South Cedar
Lansing, MI 48911

MDHHS-Ingham-Hearings@michigan.gov

Interested Parties

BSC2
M Holden
B Cabanaw
N Denson-Sogbaka
MOAHR

Via First Class Mail:

Petitioner

[REDACTED]
[REDACTED]
MI [REDACTED]