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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
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ACTING DIRECTOR

[REDACTED]
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[REDACTED] MI [REDACTED]

Date Mailed: January 10, 2024
MOAHR Docket No.: 23-008366
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 January 3, 2024, via teleconference. Petitioner appeared with the assistance of an Arabic interpreter. Megan Iatonna, Eligibility Specialist, appeared on behalf of the Michigan Department of Health and Human Services (MDHHS or Department).

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 September 5, 2023, MDHHS mailed Petitioner a FAP Redetermination packet (Exhibit A, p. 7). The form notified Petitioner that benefits would end if the Redetermination was not returned by October 5, 2023 (Exhibit A, p. 9).
3. On October 5, 2023, Petitioner returned the FAP Redetermination to MDHHS (Exhibit A, p. 17). The form was completed, but not signed (Exhibit A, p. 20).
4. On October 11, 2023, MDHHS attempted to call Petitioner to tell him that the Redetermination need to be signed (Exhibit A, p. 25).

5. On October 11, 2023, MDHHS sent Petitioner a Notice of Missed Appointment, which instructed Petitioner to contact his specialist by October 31, 2023 (Exhibit A, p. 26).
6. Effective October 31, 2023, MDHHS terminated Petitioner's FAP benefits and closed the FAP case for failure to complete the redetermination process (Exhibit A, p. 3).
7. On November 22, 2023, Petitioner filed a hearing request to dispute the termination of his FAP benefits (Exhibit A, pp. 4-5).

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 the redetermination process.

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.

If a client files an application for redetermination before the end of the benefit period, but fails to take a required action, the case is denied at the end of the benefit period. BAM 210, p. 22. If the client completes the required action within 30 days after the end of the benefit period, MDHHS must re-register the redetermination application using the date the client completed the process, and if client is eligible, prorate benefits from the date the redetermination application was registered. BAM 210, p. 22.

Here, MDHHS terminated Petitioner's benefits at the end of the benefit period because it did not receive a signed FAP Redetermination from Petitioner by the deadline. The record shows that the FAP Redetermination submitted by Petitioner was not signed. Additionally, no evidence was presented to show that Petitioner returned a signed redetermination within 30 days after the end of the benefit period, which would have allowed MDHHS to process the redetermination pursuant to subsequent processing rules. Further, the record shows that MDHHS attempted to reach Petitioner by phone to tell him that the Redetermination was not complete because it was not signed, and MDHHS sent a Notice of Missed Interview. Accordingly, MDHHS acted in accordance with Department policy by terminating Petitioner's FAP benefits at the end of the benefit period because a required action had not been completed by Petitioner.

At the hearing, Petitioner testified that a friend was helping him fill out the forms due to the language barrier, and the friend did not tell him that the form needed to be signed. Petitioner acknowledged that he did not attempt to contact MDHHS for assistance. Petitioner was advised that he could reapply for FAP at any time and that MDHHS was required to provide interpretation services if he needed and requested them.

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 acted in accordance with Department policy when it terminated Petitioner's FAP benefits.

DECISION AND ORDER

Accordingly, MDHHS decision is **AFFIRMED**.



LJ/tm

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
Dawn Tromontine
Macomb County DHHS Sterling
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Interested Parties
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Via-First Class Mail :

Petitioner
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