



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: December 20, 2023
MOAHR Docket No.: 23-008374
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness

HEARING DECISION

On November 20, 2023, Petitioner, [REDACTED] [REDACTED] requested a hearing to dispute his Food Assistance Program (FAP) case closure. As a result, a hearing was held on December 18, 2023, pursuant to MCL 400.9, 7 CFR 273.15, and Mich Admin Code, R 792.11002. Petitioner appeared and represented himself. Respondent, Department of Health and Human Services (Department) had Lianne Scupholm, Hearings Facilitator, appear as its representative. Neither party had any additional witnesses.

A 17-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Did the Department act in accordance with its policies and the applicable law when it reopened Petitioner's FAP benefit case?

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 October 9, 2023, Petitioner returned a completed Semi-Annual Contact Report.
2. On October 25, 2023, a Notice of Case Action was mailed to Petitioner indicating that his FAP benefits would increase effective November 1, 2023.
3. On November 10, 2023, a Notice of FAP Closure was mailed to Petitioner indicating that his case would be closed for failing to return the Semi-Annual Contact Report.

4. The November 10, 2023, Notice of FAP Closure was incorrectly mailed to Petitioner due to the Semi-Annual Contact Report not being entered in Bridges before it was processed.
5. On November 20, 2023, Petitioner requested a hearing to dispute the FAP closure.
6. On November 22, 2023, the Semi-Annual Contact Report was entered in Bridges and a Verification Checklist was mailed to Petitioner.

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. The Department (formerly known as the Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

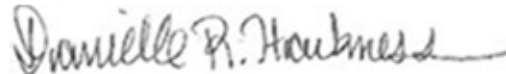
A complete redetermination/renewal is required at least every 12 months. BAM 210 (October 1, 2022), p. 3. A renewal is a full review of eligibility factors completed annually. *Id.* at p. 1. In order for a renewal to be completed timely, the client must submit a completed renewal no later than the 15th 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 was required to submit his completed Semi-Annual Contact Report by October 23, 2023. Petitioner timely submitted a completed report on October 9, 2023. On October 25, 2023, a Notice of Case Action was sent to Petitioner indicating that his FAP benefits would be increased to \$291.00 per month from October 1, 2023, through May 31, 2024. A department error caused a Notice of FAP closure to be mailed to Petitioner on November 10, 2023. This error was corrected by the Department and a Verification Checklist was sent to Petitioner on November 22, 2023. Petitioner provided no evidence to establish that he is entitled to more FAP benefits than he is currently receiving. Thus, the Department followed applicable policies in correcting their error and re-opening Petitioner's FAP case.

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 re-opened Petitioner's FAP benefit case.

IT IS ORDERED, the Department's decision is **AFFIRMED**.



DH/nr

Danielle R. Harkness
Administrative Law Judge
for Elizabeth Hertel, Director
Department of Health and Human Services

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
Kristina Etheridge
Calhoun County DHHS
190 East Michigan
Battle Creek, MI 49016
**MDHHS-Calhoun-
Hearings@michigan.gov**

Interested Parties
Calhoun County DHHS
BSC3
M. Holden
N. Denson-Sogbaka
B. Cabanaw
MOAHR

Via-First Class Mail :

Petitioner
[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]