



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

Date Mailed: January 5, 2024
MOAHR Docket No.: 23-008682
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 her Food Assistance Program (FAP) case closure. As a result, a hearing was scheduled to be held on January 3, 2024, 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 Brad Reno, Senior Eligibility Specialist/Hearings Specialist, appear as its representative.

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. On September 5, 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 October 15, 2023. The form stated, "Your FAP benefits will end on October 31, 2023. You must submit your redetermination form or filing form by October 15, 2023, in order to receive uninterrupted FAP benefits." Department Exhibit A, pp.6-13.
2. The Department did not renew Petitioner's FAP benefits because it did not timely receive a completed redetermination form from Petitioner, so Petitioner's FAP benefit's closed effective October 31, 2023.

3. Petitioner returned the redetermination form to the Department on November 7, 2023; however, Petitioner's FAP benefits had already closed on October 31, 2023, so the Department could not renew Petitioner's FAP benefits. Department Exhibit A, pp 14-18.
4. On [REDACTED] [REDACTED] 2023, Petitioner reapplied for FAP benefits.
5. The Department approved Petitioner for FAP benefits effective November 20, 2023.
6. On November 20, 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 (January 1, 2024), 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 redetermination was due October 31, 2023. Since Petitioner's FAP benefits were due to renew in October, Petitioner was required to submit her completed redetermination by October 15, 2023. Petitioner stated that she timely submitted a completed redetermination via mail to the Department, however, Petitioner was unsure of the date that the redetermination was submitted. No further evidence was presented by Petitioner to verify her timely submission of the completed redetermination. Petitioner stated that she resubmitted a completed redetermination on November 7, 2023. However, this submission was untimely because she did not submit it by the October 15, 2023, due date. Since Petitioner did not submit her completed FAP redetermination form timely, Petitioner's FAP benefits closed at the end of the certification period on October 31, 2023. A notice of closure is not issued when FAP benefits close at the end of the FAP certification period, and the FAP redetermination application is not filed in a timely manner. BAM 220 (November 1, 2023), p. 5. The Department followed the applicable policies when it closed Petitioner's FAP benefits at

the end of her FAP certification period because Petitioner did not complete a timely redetermination.

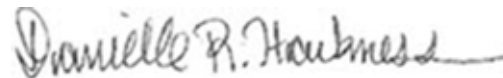
Petitioner reapplied for FAP benefits on [REDACTED] [REDACTED] 2023, and the Department determined that Petitioner was eligible for FAP benefits effective November 20, 2023. Petitioner stated that she reapplied for FAP benefits prior to November 5, or 7, 2023, however, no further evidence was presented to show that Petitioner reapplied for FAP benefits before [REDACTED] [REDACTED] 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, 2024), p. 28. Thus, the Department also followed applicable policies when it determined that Petitioner was eligible for FAP benefits effective on her application date of [REDACTED] [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 acted in accordance with its policies and the applicable law when it closed Petitioner's FAP benefits.

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

DH/nr



Danielle R. Harkness
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
Janice Collins
Genesee County DHHS Union St
District Office
125 E. Union St 7th Floor
Flint, MI 48502
**MDHHS-Genesee-UnionSt-
Hearings@michigan.gov**

Interested Parties
Genesee (Union St) County DHHS
BSC2
M. Holden
N. Denson-Sogbaka
B. Cabanaw
MOAHR

Via-First Class Mail :

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