



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
DIRECTOR

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██████████, MI ██████████

Date Mailed: March 28, 2024
MOAHR Docket No.: 24-000420
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Caralyce M. Lassner

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 by telephone on March 18, 2024. Petitioner appeared with, and was represented by, his Authorized Hearing Representative (AHR), ██████████. The Department of Health and Human Services (Department) was represented by Danielle Moton, Assistance Payments Worker.

ISSUE

Did the Department properly process Petitioner's Food Assistance Program (FAP) redetermination application it received on ██████████ 2023 and properly determine Petitioner's eligibility for FAP benefits for the period of September 1, 2023 through December 11, 2023?

Did the Department properly process Petitioner's State Disability Assistance (SDA) application?

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 for a group of one (1). (Exhibit A, pp. 10 – 11).
2. On July 5, 2023, the Department sent Petitioner a redetermination application for the FAP program, with a due date of July 25, 2023. (Exhibit A, pp. 8 – 14).
3. On July 21, 2023, the Department received Petitioner's completed, but unsigned, FAP redetermination application. (Exhibit A, pp. 16 – 20, 32).

4. On August 18, 2023, the Department sent Petitioner correspondence, called a Quick Note, requesting that Petitioner sign and return the FAP redetermination application. (Exhibit A, p. 15).
5. On October 13, 2023, Petitioner submitted an SDA application, which was not processed by the Department. (Exhibit A, pp. 1, 21 – 32).
6. On [REDACTED], 2023, the Department received a new application for FAP benefits from Petitioner. (Exhibit A, p. 1).
7. On January 2, 2024, the Department received Petitioner's request for hearing, alleging the Department did not process Petitioner's FAP and SDA applications in a timely manner or at all. (Exhibit A, pp. 3 – 5).
8. On January 19, 2024, the Department sent Petitioner a Notice of Case Action (NOCA) stating that Petitioner's FAP benefits were:
 - a. Denied for September 1, 2023 through November 30, 2023 because the Department did not receive Petitioner's completed FAP redetermination;
 - b. Approved for December 11, 2023 through December 31, 2023 in the amount of \$197 per month; and
 - c. Approved effective January 1, 2024 through November 30, 2025 in the amount of \$291 per month.(Exhibit A, pp. 39 – 40).
9. On January 19, 2024, the Department also sent Petitioner a Verification Checklist (VCL) and Medical Determination Verification Checklist (Medical VCL), both related to Petitioner's SDA application. (Exhibit A, pp. 34 – 38).

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).

Petitioner requested a hearing regarding his applications for FAP and SDA assistance. (Exhibit A, pp. 3 – 5).

FAP

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.

During the hearing, the AHR testified that the only matter at issue with Petitioner's FAP case was FAP benefits between [REDACTED], 2023 and [REDACTED], 2023, when Petitioner reapplied for FAP and was approved. The Department explained Petitioner's FAP case closed effective September 1, 2023 because it did not receive a signed FAP redetermination application by the end of the prior certification period, August 31, 2023. (Exhibit A, pp. 39 – 40).

The Department must periodically review an individuals' eligibility for active programs and may utilize the forms used to conduct such a review to redetermine eligibility of all active programs. BAM 210 (October 2022), p. 1. In Petitioner's case, the review is completed through a redetermination application. A redetermination/review application is considered complete when all of the sections of the redetermination form, including the signature section, are completed. BAM 210, p. 12. For the FAP program, benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. BAM 210, p. 3.

In this case, Petitioner was due for redetermination for the period beginning September 1, 2023. The Department sent Petitioner a redetermination application on July 5, 2023. On [REDACTED], 2023, the Department received Petitioner's completed, but unsigned, FAP redetermination application. (Exhibit A, pp. 16 – 20, 32). The Department sent Petitioner a Quick Note on August 18, 2023, requesting that Petitioner sign and return a copy of the redetermination application. (Exhibit A, p. 15). The AHR testified that Petitioner's signature appeared on the original redetermination application and provided signature pages from Petitioner's FAP redetermination in support of his testimony. (Exhibit 1, pp. 1 – 2). The document, however, did not establish if and when it was actually submitted to the Department. The Department testified that it did not receive a signed redetermination application or a response to its Quick Note of August 18, 2023. Further, the Department's records reflect that it only received one copy of the redetermination application, on [REDACTED], 2023, and the copy of the redetermination application presented by the Department is unsigned and does not show any sign of the shaded signature blocks having been altered. (Exhibit A, pp. 16 – 20, 32). Further, the Department testified that the Department does not have the ability to alter documents. The evidence presented established that the Department properly closed Petitioner's FAP case effective September 1, 2023 due to Petitioner's failure to provide a signed redetermination.

While no evidence was presented by the Department nor the AHR of a notice sent to Petitioner regarding the closure of his FAP case for failure to complete the redetermination process, the Department was not required to do so. BAM 220 provides that an NOCA is not sent when the signed redetermination application was not completed and the FAP certification period has expired. BAM 220 (July 2023), p. 5; see also BAM 210, pp. 12, 21 – 22. Therefore, Department properly followed policy when it

closed Petitioner's FAP case as a result of Petitioner's failure to return a signed redetermination application.

While the AHR was concerned about the Department's failure to process Petitioner's [REDACTED], 2023 FAP application until January 19, 2024, he acknowledged that Petitioner was approved for benefits and was not disputing Petitioner's receipt of FAP for [REDACTED] 2023 ongoing. Because the Department took corrective action and the issue was resolved, no hearable issue was presented. BAM 115 (January 2023), pp. 35 – 36; BAM 600 (March 2021), p. 5.

SDA

The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. The Department of Health and Human Services (formerly known as the Department of Human Services) administers the SDA program pursuant to 42 CFR 435, MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

The AHR also disputed the Department's failure to timely process Petitioner's [REDACTED] 2023 SDA application. During the hearing, the Department testified that Petitioner's SDA application was not processed timely, but it has since commenced processing it, on January 19, 2024, by sending Petitioner a VCL requesting proof of residence and Medical VCL requesting various proofs, with requested verifications due by January 29, 2024. The Department has 60 days to approve or deny applications for SDA assistance. BAM 115, p. 15 – 16. Because the Department did not issue a notice approving or denying Petitioner's application for SDA assistance within 60 days of the [REDACTED] 2023 application date, the Department did not act in accordance with policy.

Of additional note, the Department further testified that pursuant to a State On-Line Query (SOLQ) report, a database available to the State, Petitioner began receiving Social Security benefits as of November 1, 2023. The Department explained that receipt of Social Security benefits would render Petitioner ineligible for SDA assistance. The AHR testified that Petitioner did not begin receiving Social Security benefits until February 2024. However, notwithstanding the foregoing, no SDA decision has been issued to Petitioner; therefore, any issues related to Petitioner's eligibility due to receipt of Social Security benefits are not ripe for consideration.

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 Department policy when it closed Petitioner's FAP case as of September 1, 2023 due to Petitioner's failure to complete the redetermination process; but did not act in accordance with Department policy when it failed to complete its processing of Petitioner's SDA application.

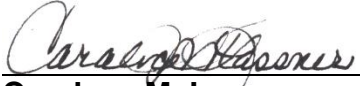
DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED IN PART** with respect to the Department's closure of Petitioner's FAP case on September 1, 2023 and **REVERSED IN PART** with respect to the Department's failure to issue a notice of approval or denial of Petitioner's SDA application.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Complete processing Petitioner's [REDACTED] 2023 SDA application;
2. If eligible, issue supplements to Petitioner for any SDA benefits he was eligible to receive from [REDACTED] 2023 ongoing; and
3. Notify Petitioner of its decision in writing.

CML/pt



Caralyce M. Lassner
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
Tara Roland 82-17
Wayne-Greenfield/Joy-DHHS
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Interested Parties
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B Cabanaw
N Denson-Sogbaka
L Karadsheh

Via-First Class Mail:

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[REDACTED]
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Authorized Hearing Rep.
[REDACTED]
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