



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

[REDACTED]
[REDACTED], MI 48228

Date Mailed: March 8, 2024
MOAHR Docket No.: 24-000809
Agency No.: [REDACTED]
Petitioner: [REDACTED]

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 February 29, 2024. Petitioner appeared and initially represented himself; however, early in the hearing, Petitioner requested that [REDACTED] be allowed to serve as his Authorized Hearing Representative (AHR). The Department had no objection. The Department of Health and Human Services (Department) was represented by Corey Reed, Assistance Payments Supervisor.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) case, effective December 31, 2023?

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.
2. On November 4, 2023, the Department sent a FAP redetermination application to Petitioner at his address of record with a due date of November 27, 2023. The redetermination application included notice of an interview scheduled for December 14, 2023 between 9:30 and 11:30 am. (Exhibit A, pp. 10 – 16).
3. The redetermination application was not returned to the Department and the interview was not completed.

4. On December 14, 2023, the Department sent Petitioner a Notice of Missed Appointment, notifying him that his FAP case would close on December 31, 2023 if he did not submit a completed redetermination and interview by that date. (Exhibit A, p. 7).
5. Petitioner's FAP case was closed on December 31, 2023. (Exhibit A, p. 1).
6. On December 21, 2023, the Department received Petitioner's request for hearing stating he did not receive a redetermination application or a call for his redetermination interview. (Exhibit A, p. 3; see also p. 8, entry dated 12/21/2023).

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.

Petitioner submitted a request for hearing to the Department on December 21, 2023, stating that he did not receive a redetermination application or a call for his redetermination interview. (Exhibit A, p. 3). The Department closed Petitioner's FAP case, effective December 31, 2023, for failure to return the redetermination application. (Exhibit A, p. 1).

When a group is actively receiving FAP benefits, a completed redetermination is required at least annually unless a 24-month benefit period is assigned or unless the FAP group is composed of individuals with no earned income and all adult members are elderly or disabled. BAM 210 (October 2023), pp. 3, 5. For FAP cases, 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 a redetermination of benefits before January 1, 2024. Redetermination consists of at least two steps: a) completion of the redetermination application, and b) an interview. BAM 210, pp. 3, 5, 21.

The AHR confirmed Petitioner's address has not changed from that which the Department has on record. The AHR also testified that Petitioner did not receive a redetermination application and that Petitioner notified the Department he had not

received a redetermination application in his request for hearing on December 21, 2023. The Department acknowledged that the Department received the request for hearing on December 21, 2023. (Exhibit A, p. 8). However, the AHR did not offer further evidence that a replacement redetermination or rescheduled interview were requested nor was the AHR able to testify as to what dates, if any, Petitioner contacted the Department regarding the redetermination application or interview.


Here, the Department credibly testified that it never received a completed redetermination application and Petitioner failed to rebut this testimony or provide evidence that he contacted the Department to request a replacement redetermination application or reschedule his redetermination interview.

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, effective December 31, 2023, for failure to complete the redetermination process.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.

CML/ml



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
8655 Greenfield
Detroit, MI 48228
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Interested Parties

BSC4
M Holden
B Cabanaw
N Denson-Sogbaka

Via First Class Mail:

Petitioner

[REDACTED]
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