



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], MI [REDACTED]

Date Mailed: March 8, 2024
MOAHR Docket No.: 24-001195
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness

HEARING DECISION

On January 31, 2024, Petitioner, [REDACTED] [REDACTED] requested a hearing to dispute her Food Assistance Program (FAP) closure. As a result, a hearing was scheduled to be held on March 7, 2024, pursuant to MCL 400.9, 7 CFR 273.15, and Mich Admin Code, R 792.11002. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Lianne Scupholm, Hearings Facilitator.

A 26-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 January 2, 2024, the Department mailed a Semi-Annual Contact Report to Petitioner to renew her eligibility for FAP benefits. The Department stated that Petitioner must complete the contact report by January 22, 2024, or her FAP benefits would end.
2. On January 10, 2024, a Notice of Case Action was mailed to Petitioner indicating that her FAP benefits would close effective February 1, 2024.

3. On January 17, 2024, the Petitioner called the Department regarding the January 10, 2024, Notice of Case Action and Petitioner's income and expenses were reviewed, and updates were made to her FAP case.
4. On January 17, 2024, the Department mailed a Notice of Case Action to Petitioner advising her that there was an increase in her FAP benefits due to an increase in her housing expenses and a decrease in her household size.
5. On January 18, 2024, Petitioner submitted a Semi-Annual Contact Report to the Department.
6. The Department failed to timely process Petitioner's Semi-Annual Contact Report, so the updates to Petitioner's FAP benefit case were not made until February 28, 2024.
7. On January 31, 2024, Petitioner called the Department and was advised that her Semi-Annual Contact Report had not been received.
8. On January 31, 2024, Petitioner requested a hearing.
9. On February 28, 2024, Petitioner's FAP case was updated and Petitioner's FAP benefits were increased to \$382.00 for March 2024 and \$612.00 per month beginning April 2024.

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.

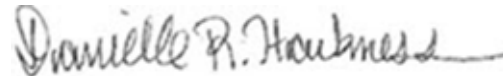
On January 31, 2024, Petitioner requested a hearing to dispute the Department's January 10, 2024, Notice of Case Action indicating that her FAP benefits would close effective February 1, 2024, due to excess income. However, after speaking to Petitioner on January 17, 2024, a Notice of Case Action was mailed to Petitioner indicating that her FAP benefits were reinstated and increased due to an increase in housing expenses and a decrease in household size. Further, since the date Petitioner requested a hearing, the Department has processed Petitioner's Semi-Annual Contact Report and increased Petitioner's FAP benefits beginning March 2024.

At the hearing, Petitioner indicated that she did not disagree with the Department's actions in this matter but stated that each time she submits a Semi-Annual Contact Report it is not timely processed and her FAP case is closed. Here, the Department has reversed its determination and found Petitioner eligible for FAP benefits without any loss in benefits. Therefore, the Department has resolved the FAP issue that Petitioner requested a hearing to dispute.

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 corrected its errors and redetermined Petitioner's eligibility for FAP benefits.

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



Danielle R. Harkness
Administrative Law Judge

DH/nr

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]