



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 19, 2024
MOAHR Docket No.: 24-001229
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 March 14, 2024. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Avery Smith, Assistance Payments Supervisor.

ISSUE

Did the Department properly process Petitioner's Food Assistance Program (FAP) case for benefits effective October 1, 2023 ongoing?

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 benefits for herself and her three (3) minor children (Children). (Exhibit 1, p. 4).
2. On September 30, 2023, Petitioner completed a renewal application for her FAP benefits, which was due that day. (Exhibit 1, p. 4).
3. On October 16, 2023, Petitioner completed her redetermination interview. (Exhibit A, p. 1; Exhibit 1, p. 5).
4. On October 19, 2023, Petitioner submitted proof of her employment and income to the Department. (Exhibit 1, p. 6).

5. As of October 31, 2023, Petitioner had not received any FAP benefits for October 2023.
6. On November 1, 2023, Petitioner applied for FAP benefits and provided proof of her mortgage payment, homeowners association (HOA) expenses, and utility expense. (Exhibit 1, pp. 7, 8 – 10).
7. On November 20, 2023, the Department sent Petitioner a Verification Checklist (VCL) requesting verification of her dependent care expense and employment. (Exhibit A, pp. 7 – 8; Exhibit 1, p. 11).
8. On February 2, 2024, Petitioner sent a request for hearing to the Department to dispute the discontinuation of her FAP benefits with no Notice of Case Action or other decision having been sent to her. (Exhibit A, pp. 4, 6; Exhibit 1, p. 2).

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 completed her redetermination application through MiBridges on September 30, 2023, and completed her redetermination interview on October 16, 2023. (Exhibit 1, p. 4; Exhibit A, p. 1). On February 2, 2024, Petitioner requested a hearing alleging she had not received her FAP benefits in October 2023 or any subsequent month, nor had she received a Notice of Case Action or closure notice. (Exhibit A, pp. 4, 6; Exhibit 1, p. 2).

FAP benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. The redetermination process begins when the client files a redetermination application. BAM 210 (October 2023), p. 3. Once the redetermination application has been submitted, an interview must be conducted and a VCL must be generated if any information is missing. BAM 210, pp. 6, 18 – 19. Upon certifying a FAP case after processing a redetermination, the Department is required to send the client a Notice of Case Action. BAM 210, p. 19.

In this case, the Department testified that it has not issued an NOCA to Petitioner regarding either her redetermination application or new application. Petitioner believed she had completed the redetermination process, including providing all requested verifications, and the Department did not dispute Petitioner's testimony. (Exhibit A, p. 1; Exhibit 1, pp. 2, 5 – 6). However, Petitioner testified she last received FAP benefits in September 2023.

Petitioner further testified that when she did not receive FAP benefits in October 2023, she reapplied for FAP on November 1, 2023. (Exhibit 1, p. 7). Between the redetermination process and submitting documents with her new application for FAP, Petitioner timely provided proof of her income, mortgage payment, HOA fees, and utility expense, as evidenced by tracking numbers generated when a document is uploaded to MiBridges. (Exhibit 1, pp. 6, 8 – 10). Petitioner testified that she has never received a Notice of Case Action (NOCA) regarding her FAP renewal or her FAP application.

The Department could not explain any actions it took to process Petitioner's FAP redetermination or subsequent application and confirmed that no NOCA was issued in Petitioner's case in October 2023, or since then, concerning either the FAP redetermination or application. Therefore, the Department did not act in accordance with Department policy in processing Petitioner's FAP case.

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 not act in accordance with Department policy when it processed Petitioner's FAP case.

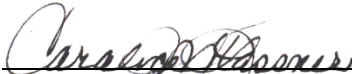
DECISION AND ORDER

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

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. Reprocess Petitioner's FAP redetermination application for the period of October 1, 2023 ongoing;
2. If Petitioner is eligible for any supplemental FAP benefits, issue supplemental payments to Petitioner for any FAP benefits she was eligible to receive but did not, from October 1, 2023 ongoing;
3. If Petitioner was ineligible for FAP benefits based on her redetermination application, reprocess Petitioner's November 1, 2023 FAP application;
4. If Petitioner is eligible for any supplemental FAP benefits, issue supplemental payments to Petitioner for any FAP benefits she was eligible to receive but did not, from November 1, 2023 ongoing; and
5. Notify Petitioner of its decision in writing.

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
Yaita Turner
Oakland County Southfield District III
25620 W. 8 Mile Rd
Southfield, MI 48033
MDHHS-Oakland-6303-Hearings@michigan.gov

Interested Parties

BSC4
M Holden
B Cabanaw
N Denson-Sogbaka

Via First Class Mail:

Petitioner

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