



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
ACTING DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: April 9, 2024
MOAHR Docket No.: 24-002118
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: L. Alisyn Crawford

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 telephone hearing was held on April 1, 2024. Petitioner was present at the hearing and represented herself. The Department of Health and Human Services (Department) was represented by Avery Smith, Assistance Payments Supervisor.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) benefits for failing to return the redetermination?

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.
2. Petitioner provided a change of address to the Department in January 2023, and she was no longer at the [REDACTED] address, and again in March 2024 to a [REDACTED] address.
3. On December 4, 2023, the Department sent Petitioner redetermination concerning ongoing FAP eligibility to complete with a due date of December 26, 2023.
4. Petitioner's FAP case was closed effective February 1, 2024 based on her failure to return the redetermination.

5. On February 26, 2024, Petitioner filed a hearing request to dispute the Department actions at a local office.

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.

Although Petitioner requested a hearing on both FAP and Medicaid (MA), she did not raise any concerns about her MA case at the hearing. Accordingly, Petitioner's request for hearing concerning MA is dismissed.

In this case, the Department closed Petitioner's FAP case because Petitioner failed to return a completed redetermination concerning her ongoing eligibility for FAP benefits. Petitioner disputed this action and testified at the hearing that she did not receive the redetermination because the Department did not send it to her correct and current address, and thus, she was unable to satisfy the Department's request.

The Department must periodically redetermine or renew an individual's eligibility for active programs. BAM 210 (January 2024), p. 1. A complete redetermination is required at least every 12 months. BAM 210, p. 3. The Department sends the redetermination packet to the mailing address on file in its system. BAM 210, p. 8. FAP benefits stop at the end of the benefit period unless the individual timely submits to the Department a completed redetermination. BAM 210, p. 4. If the Department does not log in the redetermination packet by the last working day of the redetermination month, the Department automatically closes the FAP case without a notice of case action being generated. BAM 210, p. 14.

Petitioner testified at the hearing that she did not receive the redetermination. The Department sent the redetermination on December 4, 2023 to Petitioner at her [REDACTED] address. (Exhibit A, pp. 7-9). Petitioner explained that she no longer resided at the [REDACTED] address, and she had provided the Department with a new address in January 2023. Although the Department stated that Petitioner's case file did not reflect an address change reported in January 2023, it did acknowledge that returned mail was received in 2023 from the incorrect [REDACTED] address currently noted in Petitioner's case file. Petitioner provided credible testimony that she notified the Department of the

new address in January 2023, identifying in-person interactions with local office staff and general dates of the interactions related to her address change reports, as permitted by BAM 105 (April 2022) p. 13. As such, the Department did not act in accordance with Department policy when it failed to update Petitioner's address and sent the redetermination to an address that Petitioner no longer resided at.

It is noted that in February 2024, Petitioner updated her address again and reported that she had recently moved in January 2024 to the [REDACTED] address. The Department admitted that it received Petitioner's updated [REDACTED] address in February 2024 and the written change report was dated as received by the Department on March 18, 2024. However, as of the date of the hearing, the Department had not yet processed the updated address change, and the updated address was not reflected in their system.

Additionally, Petitioner testified that she has endured rude behavior when calling and going into the local office to inquire about her case status. Complaints alleging misconduct or mistreatment by a state employee cannot be considered by MOAHR and must be referred to MDHHS or its customer service unit in accordance with Michigan Administrative Code, Rule 792.11002(3). A written complaint against a local MDHHS office may be sent to the local office director's or district office manager's attention. A list of MDHHS county directors and their phone numbers can be found at www.michigan.gov/dhs-countyoffices (Click: *Text Listing of County Offices and Addresses*). Individuals who believe they are victims of unlawful discrimination may file a complaint with the Michigan Department of Civil Rights at www.michigan.gov/mdcr or call 1-800-482-3604 for assistance. Additional information on filing discrimination complaints is available in Bridges Administrative Manual (BAM) 105, pp. 3-7.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it closed Petitioner's FAP case.

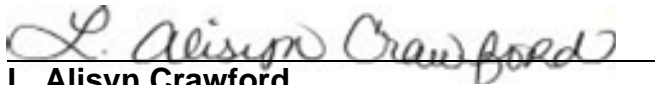
DECISION AND ORDER

Accordingly, Petitioner's hearing concerning MA is **DISMISSED** and the Department's FAP 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. Process the address change report provided by Petitioner;
2. Redetermine Petitioner's eligibility for FAP benefits from February 2024 ongoing;
3. If Petitioner is eligible for FAP benefits, issue supplemental payments to Petitioner for any FAP benefits that she was eligible to receive, but did not, from February 2024 ongoing; and
4. Notify Petitioner in writing of its decision.

LC/ml


L. Alisyn Crawford
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

MOAHR

Via First Class Mail:

Petitioner

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