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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]
[REDACTED] MI [REDACTED]

Date Mailed: April 24, 2024
MOAHR Docket No.: 24-003043
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness

HEARING DECISION

On March 11, 2024, Petitioner, [REDACTED] requested a hearing to dispute a Food Assistance Program (FAP) closure. As a result, a hearing was scheduled to be held on April 23, 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 Melissa Stanley, Hearing Facilitator.

An 18-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 4, 2024, a redetermination was mailed to Petitioner advising Petitioner that her benefits would end if she did not submit the redetermination by January 24, 2024. (Exhibit A, p. 7).
2. Petitioner did not return the redetermination.
3. Because the redetermination was not returned by the due date, the redetermination was re-mailed on February 2, 2024.
4. On February 2, 2024, a notice of missed appointment was mailed to Petitioner. Petitioner was required to reschedule the interview and/or return the redetermination by February 29, 2024, or Petitioner's FAP benefits would not be renewed. (Exhibit A, p. 18).

5. Petitioner's FAP benefits closed because Petitioner's redetermination was not completed before the end of her benefit period.
6. On March 11, 2024, Petitioner requested a hearing to dispute the FAP closure. (Exhibit A, pp. 3-5).
7. On April 11, 2024, Petitioner submitted the redetermination.

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 FAP 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 administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

A complete redetermination/renewal is required at least every 12 months. BAM 210 (October 1, 2022), p. 3. A renewal is a full review of eligibility factors completed annually. *Id.* at p. 1. In order for a renewal to be completed timely, the client must submit a completed renewal no later than the 15th of the renewal month. *Id.* at p. 16. The Department is required to interview a client prior to renewing eligibility for FAP benefits. 7 CFR 273.14(3). FAP benefits stop at the end of the benefit period unless a renewal is completed, and a new benefit year is certified. *Id.* at p. 3. When a client submits a renewal before the end of the benefit period but fails to take required action, the case is denied at the end of the benefit period. *Id.* at p. 22. The renewal is re-registered when the client completes the required action, and benefits are prorated from that date. *Id.*

In this case, Petitioner was required to reschedule her renewal interview and/or return the redetermination by February 29, 2024. (Exhibit A, p. 18). Petitioner did not timely complete a renewal interview or return the redetermination. Therefore, the Department was unable to renew Petitioner's FAP benefits because Petitioner had to complete an interview and/or return the redetermination.

At the hearing, Petitioner indicated that she did not timely receive the January 4, 2024, Redetermination. Petitioner confirmed that her mailing address as noted on the January 4, 2024, Redetermination is correct. However, Petitioner did not receive the January 4, 2024, Redetermination until on or around March 9, 2024, at which time she also received the February 2, 2024, Notice of Missed Appointment. The department representative stated that the January 4, 2024, Redetermination was mailed to Petitioner's last-known address of record and was not returned as undeliverable to the Department.

Documents properly addressed and placed in the mail are presumed to reach their destination. *Crawford v Michigan*, 208 Mich App 117, 121; 527 NW2d 30 (1994). “This - 2- presumption may be rebutted by evidence, but whether it was a question for the trier of fact.” *Stacey v Sankovich*, 19 Mich App 688, 694; 173 NW2d 225 (1969). Plaintiff denied receipt of the papers but presented no evidence to rebut the presumption of receipt. The mere denial of service is insufficient to rebut the presumption. Cf. *Ins Co of North America v Issett*, 84 Mich App 45, 49; 269 NW2d 301 (1978); *James v James*, 57 Mich App 452, 454; 225 NW2d 804 (1975). In this case, the Department provided credible evidence that the January 4, 2024, Redetermination was mailed to Petitioner’s last-known mailing address and was not returned as undeliverable.

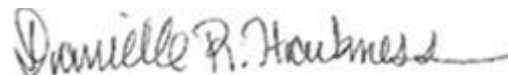
The Department followed the applicable policies when it closed Petitioner’s FAP benefits at the end of her benefit period because Petitioner did not timely complete the redetermination.

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 closed Petitioner’s FAP benefits.

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

DH/pt



Danielle R. Harkness
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
Elisa Daly
Saginaw County DHHS
411 East Genesee
Saginaw, MI 48607
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Interested Parties
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M. Holden
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MOAHR

Via-First Class Mail:

Petitioner
[REDACTED]
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