



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

██████████ ██████████
██
██████████ MI ██████████

Date Mailed: April 11, 2022
MOAHR Docket No.: 22-000868
Agency No.: ██████████
Petitioner: ██████████ ██████████

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

On March 2, 2022, Petitioner, ██████████ ██████████, requested a hearing to dispute the Department’s decision to deny her request for Food Assistance Program (FAP) benefits effective ██████████ 2021. Following Petitioner’s hearing request, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9, 7 CFR 273.15, and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on April 6, 2022. Petitioner appeared with her authorized hearing representative, ██████████ ██████████. Respondent, Department of Health and Human Services (Department), did not appear. The hearing was held in Respondent’s absence after waiting for Respondent for 15 minutes.

Two exhibits were admitted into evidence during the hearing. A 20-page packet of documents provided by Petitioner was admitted as Exhibit 1, and an 18-page packet of documents provided by Respondent was admitted as Exhibit 2.

ISSUE

Whether the Department properly denied Petitioner’s request for Food Assistance Program (FAP) benefits effective ██████████ 2021?

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 ██████████ 2021, Petitioner applied for FAP benefits from the Department.
2. On December 3, 2021, the Department mailed a verification checklist to Petitioner. The verification checklist instructed Petitioner to provide proof of her rent expense and income to the Department by December 13, 2021.

3. On December 13, 2021, Petitioner provided the Department with the requested proof by uploading it to her account online.
4. On [REDACTED] 2021, the Department mailed a notice of case action to Petitioner to notify her that her request for FAP benefits was denied because she failed to provide proof as requested.
5. On March 2, 2022, Petitioner requested a hearing to dispute the Department's decision.

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) 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.

In this case, Petitioner requested a hearing to dispute the Department's decision to deny her request for FAP benefits. Based on Petitioner's un rebutted evidence, the Department denied Petitioner's request for FAP benefits for failing to provide proof as requested, but Petitioner provided the Department with the proof it requested by the deadline. Thus, the Department improperly denied Petitioner's request for FAP benefits. Therefore, the Department's decision is reversed.

The Department shall redetermine Petitioner's eligibility for FAP benefits effective [REDACTED] 2021, based on the information Petitioner provided to the Department. If the Department determines it needs additional information, the Department shall give Petitioner an opportunity to provide the additional information before the Department redetermines her eligibility.

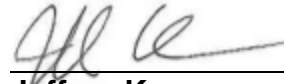
DECISION AND ORDER

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 did not properly deny Petitioner's request for Food Assistance Program (FAP) benefits effective [REDACTED] 2021.

IT IS ORDERED the Department's decision is **REVERSED**. The Department shall redetermine Petitioner's eligibility for FAP benefits effective [REDACTED] 2021, based

on the information Petitioner provided to the Department. If the Department determines it needs additional information before it can redetermine her eligibility, the Department shall give Petitioner an opportunity to provide the additional information before the Department redetermines her eligibility. The Department shall begin to implement this decision within 10 days.

JK/mp



Jeffrey Kemm
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

Email Recipients:

MDHHS-Oakland-DistrictII-Hearings
D. Sweeney
M. Holden
MOAHR
BSC4

First-Class Mail Recipients:

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

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