



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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[REDACTED] MI [REDACTED]

Date Mailed: September 19, 2022
MOAHR Docket No.: 22-003596
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Danielle Nuccio

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 September 14, 2022. The Petitioner appeared and represented herself. The Department of Health and Human Services (MDHHS) was represented by Dandre Wisdom, Eligibility Specialist.

ISSUE

Did MDHHS properly close Petitioner's Food Assistance Program (FAP) case for failure to timely return her completed redetermination of 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. Petitioner was an ongoing recipient of FAP benefits for a group size of two.
2. On April 4, 2022, MDHHS issued a redetermination of FAP benefits form to Petitioner, informing her that her benefits will end if she does not complete and submit the redetermination form by April 24, 2022. Additionally, MDHHS informed Petitioner that she was required to participate in a phone interview on May 2, 2022 at 8:30AM (Exhibit A, pp. 7-13).
3. On May 2, 2022, MDHHS issued a Notice of Missed Appointment to Petitioner, informing her that she missed her scheduled phone interview, and that it is her responsibility to reschedule the interview by May 31, 2022, or her redetermination of benefits will be denied (Exhibit A, p. 5).

4. Effective June 1, 2022, Petitioner's FAP case was closed for failure to complete the redetermination timely.
5. On June 30, 2022, MDHHS received Petitioner's completed redetermination of FAP benefits form (Exhibit A, pp. 14-18).
6. On August 16, 2022, MDHHS received a hearing request from Petitioner disputing the closure of her FAP case (Exhibit A, pp. 3-4).

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 requested a hearing to dispute the closure of her FAP case for failure to timely submit the completed redetermination of benefits form.

MDHHS must periodically redetermine or renew an individual's eligibility for active programs. The redetermination process includes thorough review of all eligibility factors. BAM 210 (April 2022), p. 1. FAP benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. BAM 210, p. 4. A telephone interview is required at redetermination before MDHHS determines ongoing eligibility. BAM 210, p. 6. The FAP group loses its right to uninterrupted FAP benefits if it fails to participate in the scheduled interview. BAM 210, p. 22. Benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. BAM 210, p. 3. To initiate the redetermination process, MDHHS issues to clients a redetermination form; that form must be completed and returned to MDHHS in a timely manner. BAM 210, p. 1.

In this case, MDHHS issued a redetermination of FAP benefits form to Petitioner on April 4, 2022. Petitioner confirmed that the address the redetermination was mailed to is her correct mailing address. This redetermination form provided Petitioner information on the required phone interview and clearly stated that she must submit a completed form by April 24, 2022. Petitioner did not return the redetermination form and her FAP case was closed, effective June 1, 2022. Petitioner testified that she was unable to access her MiBridges account to complete the redetermination form electronically and

testified that she did not receive the mailed copy of the redetermination form. Petitioner testified that she did receive the Notice of Missed Appointment issued on May 2, 2022. Petitioner testified that she was able to access her MiBridges account in June, then completed and submitted the redetermination of benefits form on or about June 28, 2022.

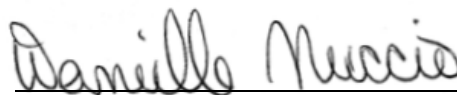
MDHHS properly and timely initiated the redetermination process by issuing Petitioner the April 4, 2022 redetermination, which included instructions on what was needed from Petitioner and the consequences for failing to comply. As of the end of the benefit period, Petitioner had not returned the completed redetermination form back to MDHHS. Even if Petitioner had not received the redetermination in the mail, as she claimed, she did receive the Notice of Missed Appointment which advised her that she must reschedule the telephone interview with MDHHS and return the redetermination packet prior to May 31, 2022 or her redetermination would be denied. Since Petitioner did not submit the completed redetermination form until on or about June 28, 2022, her FAP benefits closed automatically, effective June 1, 2022. Petitioner's new benefit period cannot be certified without completion of the redetermination process, including the submission of a completed redetermination form. Therefore, MDHHS acted in accordance with policy in closing 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 MDHHS acted in accordance with Department policy when it closed Petitioner's FAP case for failure to timely submit the redetermination of benefits to MDHHS.

DECISION AND ORDER

Accordingly, MDHHS' decision is **AFFIRMED**.

DN/mp



Danielle Nuccio

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

MDHHS-Wayne-15-Greydale-Hearings

D. Sweeney

M. Holden

MOAHR

BSC4

Via-First Class Mail :

Petitioner

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[REDACTED] MI [REDACTED]