



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]  
[REDACTED], MI [REDACTED]

Date Mailed: June 7, 2024  
MOAHR Docket No.: 24-004398  
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 May 29, 2024. Petitioner was present at the hearing and represented by [REDACTED] Authorized Hearing Representative (AHR). The Department of Health and Human Services (Department) was represented by Corlette Brown, Hearings Facilitator, and Kenyetta Steele, Eligibility Specialist.

### **ISSUE**

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

### **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. On February 5, 2024, the Department mailed a Redetermination to Petitioner which was due back by February 26, 2024. (Exhibit A, pp. 5-11).
3. On February 22, 2024 at 11:11 AM, Petitioner's AHR faxed the completed Redetermination to the Department's fax number and received a fax confirmation for delivery. (Exhibit 1, p. 11).
4. On April 17, 2024, the Department contacted Petitioner's AHR and informed the AHR that Petitioner's FAP case closed on March 31, 2024 due to failure to return Redetermination. (Exhibit A, p. 1).

5. On April 17, 2024, Petitioner's AHR filed a request for hearing disputing the Department's closure of Petitioner's FAP case. (Exhibit A, p. 3).

### **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.

In this case, Petitioner disputes the Department's closure of his FAP benefits for failure to complete the Redetermination process.

For all programs, the Department must periodically redetermine or renew an individual's eligibility for active programs. BAM 210 (January 2024), p. 1. The process includes a thorough review of all eligibility factors. BAM 210, p. 1. For all programs, the Department mails a redetermination packet to the client three days prior to the negative action cut-off date in the month before the redetermination is due. BAM 210, p. 8. A Redetermination form is considered complete when all sections are completed. BAM 210, p. 11. Clients must complete the redetermination process, or the benefit period will expire. BAM 210, p. 4. A group loses its right to uninterrupted FAP benefits if it fails to file the FAP redetermination form by the timely filing date, participate in a scheduled interview, or submit verifications timely. BAM 210, pp. 22-23. For FAP, policy provides that redeterminations provided via a photocopy or fax are acceptable. BAM 110 (October 2023), p. 21.

The Department contended it properly terminated Petitioner's FAP eligibility on March 31, 2024, after Petitioner failed to return redetermination documents to the Department. Petitioner responded that the Department improperly terminated his FAP benefits because Petitioner's AHR timely filed the Redetermination via fax timely.

The Department issued a Redetermination to Petitioner on February 5, 2024 with a due date of February 26, 2024. (Exhibit A, pp. 5-11). Petitioner's AHR credibly testified that she faxed the completed Redetermination to the Department at the fax number provided on the top of the Redetermination form on February 22, 2024 at 11:11 AM. Petitioner's AHR provided a copy of the redetermination documents that were faxed which included a fax confirmation date and time stamp, (Exhibit 1, pp. 1-9) and a Fax Journal Report identifying the date, time, fax number, and page numbers sent (Exhibit 1, pp. 10-11).

The Fax Journal Report confirmed that an 8-page fax was sent to the Department indicating that the fax went through successfully on the Petitioner's AHR's end. The Department testified that it only received the first page of the fax but not the entire fax with every page of the Redetermination.

Although the Department did not process or receive the entire Redetermination, Petitioner's AHR's fax confirmation established that the redetermination was timely returned. Given that policy requires the client to file the FAP redetermination timely in order to continue receiving uninterrupted FAP benefits, and credible evidence has been presented that it was filed, although not processed by the Department, the Department has not established that it acted in accordance with Department policy in closing Petitioner's FAP benefits.

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 closed Petitioner's FAP benefits.

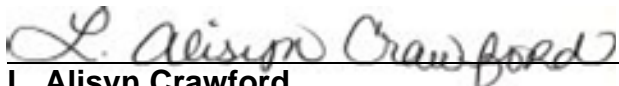
### **DECISION AND ORDER**

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. Redetermine Petitioner's eligibility for FAP benefits effective April 1, 2024;
2. If eligible, issue supplements to Petitioner for FAP benefits he is eligible to receive but did not from April 1, 2024 ongoing; and,
3. Notify Petitioner and Petitioner's AHR of its decision in writing.

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**

Keisha Koger-Roper  
Wayne-District 31 (Grandmont)  
17455 Grand River  
Detroit, MI 48227

**MDHHS-Wayne-31-Grandmont-Hearings@Michigan.gov**

**Interested Parties**

BSC4  
M Holden  
B Cabanaw  
N Denson-Sogbaka  
MOAHR

**Via First Class Mail:**

**Authorized Hearing Rep.**

[REDACTED]  
MI [REDACTED]

**Petitioner**

[REDACTED]  
MI [REDACTED]