



GRETCHEN WHITMER
GOVERNOR

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

MARLON BROWN
DIRECTOR

[REDACTED]
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Date Mailed: May 30, 2024
MOAHR Docket No.: 24-004535
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Julia Norton

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 23, 2024. Petitioner was not present. [REDACTED], Petitioner's spouse (Spouse) was present and represented the household. The Department of Health and Human Services (Department) was represented by Marcella Towns, Assistance Payment Worker.

ISSUE

Did the Department fail to process Petitioner's Food Assistance Program (FAP) 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. On December 19, 2023, the Department received Petitioner's FAP redetermination. Exhibit A, pp. 6-10.
3. On April 19, 2024, the Department received Petitioner's request for hearing regarding the Department's failure to process Petitioner's FAP redetermination. Exhibit A, pp. 1-3.
4. On April 29, 2024, the Department processed Petitioner's redetermination and sent a Notice of Case Action (NOCA) to Petitioner indicating Petitioner was not eligible for FAP benefits effective February 1, 2024 ongoing based on excess income.

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 requested a hearing regarding the Department's failure to process her FAP redetermination.

At the hearing, the Department testified that, following receipt of Petitioner's hearing request, it processed Petitioner's redetermination and concluded Petitioner had excess income making Petitioner ineligible for FAP benefits. The Department further testified it sent a NOCA to Petitioner on April 29, 2024, documenting the denial effective February 1, 2024 ongoing due to excess income.

Although the Department attempted to explain the basis for its income calculation, it had not prepared to address this issue at the hearing and none of its proposed exhibits were related to income eligibility. Because Petitioner's hearing request concerned the Department's failure to process the redetermination, and the Department processed it as of the hearing date, Petitioner's issue as presented in the hearing request was resolved.

While the Department testified regarding its income calculations during the hearing and provided income documentation after the hearing concluded, the Department did not have an opportunity to prepare for and present documentation concerning the eligibility decision at the hearing. Further, the Department's testimony was inconsistent with the documentation submitted. Spouse disputed the income information and was not provided this documentation in advance of the hearing.

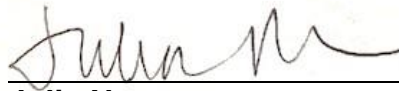
Petitioner is advised that if she disputes the denial of the redetermination due to excess income, Petitioner may file a new request for hearing so the Department and Petitioner have an adequate opportunity to prepare for that issue at hearing.

The Department's processing of Petitioner's FAP redetermination resolved the issue presented in the hearing request. Thus, there is no longer a hearable issue for the Administrative Law Judge to decide. If Petitioner disputes the denial of FAP eligibility, Petitioner may file a new request for hearing.

Petitioner's hearing request is resolved and is, therefore, **DISMISSED** for lack of jurisdiction.

IT IS SO ORDERED.

JN/cc



Julia Norton
Administrative Law Judge

