



GRETCHEN WHITMER
GOVERNOR

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

MARLON BROWN
DIRECTOR

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Date Mailed: July 30, 2024
MOAHR Docket No.: 24-007125
Agency No.: ██████████
Petitioner: █████ █████

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 July 18, 2024, from Lansing, Michigan. █████ █████ the Petitioner, appeared on his own behalf. The Department of Health and Human Services (Department) was represented by Devona Gilbert, Hearing Facilitator (HF).

During the hearing proceeding, the Department's Hering Summary packet was admitted as Exhibit A, pp. 1-40.

ISSUE

Is there a hearable issue regarding State Emergency Relief (SER)?

Did the Department properly close Petitioner's Food Assistance Program (FAP) benefit case?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Department records show Petitioner's last application for SER was September █████ 2023 and there has been no current request for SER services. (Exhibit A, pp. 8-10)
2. On October █████ 2023 and October █████ 2023, SER Decision Notices were issued to Petitioner. (Exhibit A, pp. 11-16)

3. On December █ 2023, Petitioner submitted a Mid-Certification Contact Notice to the Department. (Exhibit A, pp. 17-19)
4. On February █ 2024, a Redetermination was issued to Petitioner with a due date of February 26, 2024. It was noted that FAP benefits would end if the form was not submitted. (Exhibit A, pp. 21-27)
5. Petitioner's FAP case closed because the Redetermination form was not submitted. (Exhibit A, p. 3)
6. On June 10, 2024, Petitioner submitted a hearing request contesting denials of FAP and SER benefits. (Exhibit A, pp. 4-6)
7. On June █ 2024, Petitioner reapplied for FAP. (Exhibit A, pp. 28-37)

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).

SER

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1 *et seq.* MDHHS administers the program pursuant to MCL 400.10 and Mich Admin Code, R 400.7000 to R 400.7049.

Regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in Mich Admin Code, R 792.10101 to R 792.10137 and R 792.11001 to R 792.11020. Rule 792.11002(1) provides as follows:

An opportunity for a hearing shall be granted to an applicant who requests a hearing because his or her claim for assistance is denied or is not acted upon with reasonable promptness, has received notice of a suspension or reduction in benefits, or exclusion from a service program, or has experienced a failure of the agency to take into account the recipient's choice of service.

A client's request for hearing must be in writing and signed by an adult member of the eligible group, adult child, or authorized hearing representative (AHR). Department of Health and Human Services Bridges Administrative Manual (BAM) 600 (June 1, 2024), p. 2. Moreover, BAM 600, provides that a request for hearing must be received in the Department local office within 90 days of the date of the written notice of case action. BAM 600, p. 6.

In this case, the last SER actions taken by the Department were in October 2023. (Exhibit A, pp. Exhibit A, pp. 11-16). Petitioner's June █████ 2024 hearing request was not filed within 90 days of the October 2023 Notices of Case Action. Accordingly, there is no jurisdiction to review the October 2023 SER determinations.

Further, Department records show Petitioner's last application for SER was September █████ 2023 and there has been no current request for SER services. (Exhibit A, pp. 8-10). Petitioner indicated he has called 211 requesting assistance. However, there was no evidence that an application for SER was submitted to the Department. Applicants must complete and sign an application to apply for SER. ERM 103, October 1, 2023, p. 1. Accordingly, there has been no failure to act on an application for SER.

The June 10, 2024 hearing request was not timely filed to contest the October 2023 SER determinations and there has been no failure to act on an application for SER. Accordingly, there is no jurisdiction for an SER hearing at this time. Accordingly, the SER portion of Petitioner's hearing request is dismissed.

FAP

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.

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of necessary forms. Bridges Administrative Manual (BAM) 105 (March 1, 2024), p. 7.

The Department must periodically re-determine or renew an individual's eligibility for active programs. The redetermination/renewal process includes thorough review of all eligibility factors. Redetermination, renewal, semi-annual and mid-certification forms are often used to re-determine eligibility of active programs. BAM 210 (January 1, 2024), p. 1.

In order to receive uninterrupted benefits (benefits available on his/her scheduled issuance date), the client must file the redetermination through MI Bridges or file either a MDHHS-1010, Redetermination and MDHHS-1010-FAP, MDHHS-1171, Assistance Application and MDHHS-1171-FAP supplement, or a signed MDHHS-1010-FAP, FAP 1010 supplemental filing form, by the fifteenth of the redetermination month. BAM 210, p. 17.

The group loses its right to uninterrupted FAP benefits if it fails to do any of the following: file the FAP redetermination by the timely filing date; participate in the scheduled interview; submit verifications timely, provided the requested submittal date is after the timely filing date. BAM 210, p. 22.

For FAP, benefits stop at the end of the benefit period unless a redetermination is completed, and a new benefit period is certified. If the client does not begin the redetermination process, the benefit period is allowed to expire. BAM 210, p. 4.

If the redetermination packet is not logged in by the last working day of the redetermination month, Bridges automatically closes the EDG. A DHS-1605 is not generated. BAM 220, p. 14.

On December █ 2023, Petitioner submitted a Mid-Certification Contact Notice to the Department. (Exhibit A, pp. 17-19). However, there was no evidence that the Department requested completion of this form at that time. For example, there are portions of the form typically completed in typing by the Department when the Department issues this form to a client, which were blank on the form Petitioner submitted. (Exhibit A, pp. 17-19; HF Testimony).

On February █ 2024, a Redetermination was issued to Petitioner with a due date of February 26, 2024. It was noted that FAP benefits would end if the form was not submitted. (Exhibit A, pp. 21-27). Petitioner's FAP case closed because the Redetermination form was not submitted. (Exhibit A, p. 3)

Petitioner explained that he has difficulty with paperwork and getting everything submitted in a timely manner. Petitioner requires assistance with getting paperwork turned in. Petitioner does the best he can to turn anything in. (Petitioner Testimony).

Ultimately, the Department's determination to close Petitioner's FAP case was in accordance with Department policy. The Department had not requested the Mid-Certification Contact Petitioner submitted on December 4, 2023. On February 5, 2024, the Department sent the Redetermination form to Petitioner with the due date of February 26, 2024. (Exhibit A, pp. 21-27). Petitioner did not return the Redetermination form needed to determine his ongoing eligibility for FAP. Accordingly, the FAP case closed.

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 Department policy when it closed Petitioner's FAP benefit case.

DECISION AND ORDER

Accordingly, the Department's MA and FAP decisions are **AFFIRMED**

CL/dm



Colleen Lack
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
**MDHHS-Saginaw-
Hearings@michigan.gov**

McLaughlinJ

HolzhausenE

HoldenM

DensonSogbakaN

BSC2HearingDecisions

MOAHR

Via-First Class Mail :

Petitioner

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