



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 26, 2024
MOAHR Docket No.: 24-007130
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 her own behalf. The Department of Health and Human Services (Department) was represented by Devona Gilbert, Hearing Facilitator (HF).

During the hearing proceedings, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-25.

ISSUE

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. On April ██████ 2024, a Mid-Certification Contact Notice was issued to Petitioner with a due date of April 22, 2024. It was noted that FAP benefits would end if the form was not submitted. (Exhibit A, pp. 8-12)
2. On May ██████ 2024, a Notice of FAP Closure was issued to Petitioner stating the FAP case would close effective May 31, 2024 based on not returning the mid-certification form. (Exhibit A, pp. 13-14)

3. On May █ 2024, Petitioner contacted the Department was mistakenly advised that a redetermination for FAP was received. (Exhibit A, p. 16)
4. On June █ 2024, the Department contacted Petitioner and explained that the prior worker made a mistake as the April █ 2022 mid-certification form was logged as the 2024 mid certification form. (Exhibit A, p. 16)
5. On June 10, 2024, Petitioner verbally requested a hearing contesting the FAP closure. (Exhibit A, pp. 4-6 and 16)

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.

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.

Bridges sends a MDHHS-2240-A, Mid-Certification Contact Notice, for groups assigned a 24-month benefit period during the 11th month of their benefit period and a MDHHS-1046, Semi-Annual Contact Report, the beginning of the fifth month for cases assigned a 12-month benefit period. BAM 210, p. 11.

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.

Regarding the Mid-Certification Contact Notice, BAM 210 policy states:

Failure to Record Receipt of the Mid-Certification Contact Notice

If the MDHHS-2240-A is not logged in Bridges by the 10th day of the 12th month, Bridges will generate a DHS-2240-B, Notice of Food Assistance (FAP) Closure, to the client. This notice explains that the client must return the MDHHS-2240-A and all required verifications by the last day of the month, or the case will close. If the client fails to return a complete MDHHS-2240-A by the last day of the 12th month. Bridges will automatically close the case. If the client reapplies, treat it as a new application and Bridges will prorate the benefits.

If the completed MDHHS-2240-A and verifications are returned by the last day of the 12th month, process the changes to ensure the client's benefits are available no later than 10 days after their normal issuance date in the 13th month of the benefit period.

BAM 210, p. 15.

In this case, on April █ 2024, a Mid-Certification Contact Notice was issued to Petitioner with a due date of April 22, 2024. It was noted that FAP benefits would end if the form was not submitted. (Exhibit A, pp. 8-12). On May █ 2024, a Notice of FAP Closure was issued to Petitioner stating the FAP case would close effective May 31, 2024 based on not returning the mid-certification form. (Exhibit A, pp. 13-14). Petitioner's FAP case was closed effective June 1, 2024 because Petitioner could not be certified for ongoing benefits as the Mid-Certification Contact Notice was not received.

On May █ 2024, Petitioner contacted the Department was mistakenly advised that a redetermination for FAP was received. (Exhibit A, p. 16). On June █ 2024, Petitioner contacted the Department and it was explained that the prior worker made a mistake as the April █ 2022 mid-certification form was logged as the 2024 mid certification form. (Exhibit A, p. 16).

Petitioner received the Mid-Certification papers, signed them, and put them in the mail before April [REDACTED] 2024. Petitioner had expected to get additional paperwork by the end of the month. When she did not receive more paperwork, she contacted the Department. That was when Petitioner was told the Department received the needed paperwork. When Petitioner still did not receive more paperwork from the Department, she called the Department again. That was when Petitioner was advised that the prior worker made a mistake as the April [REDACTED] 2022 mid-certification form was logged as the 2024 mid certification form. (Exhibit A, p. 16; Petitioner Testimony).

Petitioner subsequently reapplied for FAP on June [REDACTED] 2024 and was approved. (Exhibit A, pp. 3 and 20-25; HF and Petitioner Testimony)

Ultimately, the Department's determination to close Petitioner's FAP case was in accordance with Department policy. Petitioner credibly testified that she mailed the signed Mid Certification form to the Department by April [REDACTED] 2024. However, the Department did not receive a completed Mid-Certification from Petitioner, which was needed to determine her ongoing eligibility for FAP. The Department followed policy by sending the May [REDACTED] 2024 Notice of FAP Closure to Petitioner. The Department did not receive the Mid Certification form, and any needed verifications, by the end of May 2024 to be able to determine ongoing eligibility. Accordingly, the FAP benefits stopped at the end of the benefit period.

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 decision is **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**

HoldenM

DensonSogbakaN

BSC2HearingDecisions

MOAHR

Via-First Class Mail :

Petitioner
[REDACTED]
[REDACTED]
[REDACTED]