



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

MARLON I. BROWN, DPA
DIRECTOR

[REDACTED], MI [REDACTED]

Date Mailed: September 19, 2024
MOAHR Docket No.: 24-009252
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 hearing was held via telephone conference line on September 12, 2024. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Alice Gilmer, manager, and Crystal Stephens, specialist.

ISSUE

The issue is whether MDHHS properly terminated Petitioner's Food Assistance Program (FAP) eligibility.

FINDINGS OF FACT

The administrative law judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. As of May 2024, Petitioner was an ongoing FAP recipient with a benefit period certified through June 2024.
2. On May 4, 2024, MDHHS mailed Petitioner a Redetermination concerning FAP benefits stating a due date of May 24, 2024, and an interview date of June 3, 2024.
3. On June 3, 2024, MDHHS mailed Petitioner a Notice of Notice of Missed Appointment form warning that FAP benefits would end June 30, 2024 due to Petitioner not returning the Redetermination form and/or missing the scheduled interview.

4. As of July 1, 2024. Petitioner failed to return the Redetermination form to MDHHS.
5. Beginning July 2024, Petitioner's FAP eligibility ended.
6. On August 12, 2024, Petitioner requested a hearing to dispute the termination of FAP benefits.

CONCLUSIONS OF LAW

The 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. MDHHS administers the FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011. FAP policies are contained in the BAM, BEM, and RFT.

Petitioner requested a hearing to dispute a termination of FAP benefits. Exhibit A, pp. 3-4. A Notice of Missed Appointment dated June 3, 2024, stated that Petitioner failed to schedule a redetermination interview and/or failed to return redetermination documents. The form further warned that Petitioner would have to complete the redetermination process by the end of the month or FAP benefits would end.

For all programs, a complete redetermination is required at least every 12 months. BAM 210 (January 2024) p. 3. Bridges, the MDHHS database, automatically sends benefit recipients a DHS-1010, Redetermination form, three days prior to the negative action cut-off date in the month before the redetermination is due. *Id.*, p. 8. For FAP benefits, the redetermination process begins when the client files a DHS-1010 or other acceptable substitute form. *Id.*, p. 3.

For FAP benefits, MDHHS is also to conduct a telephone interview at redetermination before determining ongoing eligibility. *Id.*, p. 6. If the client misses the interview, Bridges sends a DHS-254, Notice of Missed Interview. *Id.* FAP benefits stop at the end of the benefit period unless the redetermination process is completed, and a new benefit period is certified. *Id.* If the redetermination packet is not logged-in by the last working day of the redetermination month, Bridges automatically closes the benefits, and a Notice of Case Action is not generated. *Id.*, p. 14.

MDHHS testified it mailed Petitioner a Redetermination form on May 4, 2024. Exhibit A, pp. 10-16. MDHHS also testified that the Redetermination form listed a due date of May 24, 2024, and an interview date of June 3, 2024. MDHHS contended it did not receive the form by the interview date resulting in a Notice of Missed Appointment form being mailed.¹ After not receiving the Redetermination form before the end of the benefit period, Petitioner's FAP eligibility ended beginning July 2024.

¹ The Notice of Missed Appointment form is presumed to be the Notice of Missed Interview form referenced in policy.

Petitioner testified she remembers going to the MDHHS office on June 2, 2024, and signing the submission log while dropping off the Redetermination form. Petitioner said she was certain of the accuracy of her testimony.

MDHHS indicated that if it received Petitioner's redetermination documents, the documents would have been scanned into Petitioner's electronic case file (ECF).² MDHHS credibly testified that Petitioner's ECF listed no recent redetermination documents. Under the circumstances, it is possible that MDHHS lost or failed to properly upload Petitioner's documents.

Generally, the burden of proving a document submission is on the submitting party. Petitioner provided no corroborating evidence that redetermination documents were submitted to MDHHS. Corroborating evidence could have included a photo of the office Petitioner purportedly signed. At the least, Petitioner could have made the claim within her hearing request so that MDHHS could have investigated the claim; instead, Petitioner provided no narrative in her hearing request.

Seemingly, Petitioner should have been concerned about not being interviewed in June 2024 about continuing FAP benefits. The evidence suggested that Petitioner had little or no contact with MDHHS until requesting a hearing on August 12, 2024. Waiting 42 days after benefit closure and 60 days after a disputed document submission is not consistent with a timely document submission.

Given the evidence, it is found that Petitioner did not submit redetermination documents to MDHHS before July 2024. Thus, MDHHS properly allowed Petitioner's FAP eligibility to end beginning July 2024.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly terminated Petitioner's FAP eligibility beginning July 2024. The actions taken by MDHHS are **AFFIRMED**.

CG/nr



Christian Gardocki
Administrative Law Judge

² The ECF consists of scanned documents, arranged by category and identified by a client name, recipient ID or case number, established for a particular client group. BAM 300 (January 2024) p. 1. The ECF contains all forms, documents and other evidence relevant to the group's current and past eligibility. *Id.*

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

Denise Key-McCoggle
Wayne-Greydale-DHHS
27260 Plymouth Rd
Redford, MI 48239
MDHHS-Wayne-15-Greydale-Hearings@michigan.gov

Interested Parties

BSC4
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MOAHR

Via-First Class Mail :

Petitioner

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