



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

MARLON I. BROWN, DPA
DIRECTOR

[REDACTED], MI [REDACTED]

Date Mailed: October 24, 2024
MOAHR Docket No.: 24-010350
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Caralyce M. Lassner

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 by telephone on October 16, 2024. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Lori Turner, Eligibility Specialist.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) case effective August 1, 2024?

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 for a one-person FAP group.
2. On June 4, 2024, the Department sent Petitioner a FAP redetermination application by mail to Petitioner at her address of record with a due date of June 24, 2024. The redetermination application stated that Petitioner's current FAP benefits would end on July 31, 2024. (Exhibit A, pp. 6 – 12).
3. Petitioner did not return the redetermination application to the Department.
4. On September 9, 2024, the Department received a request for hearing from Petitioner, disputing the closure of her FAP case. (Exhibit A, p. 3).

5. On September 19, 2024, the Department sent Petitioner a Benefit Notice (BN) that advised Petitioner her FAP case was closed effective August 1, 2024 due to Petitioner's failure to return her redetermination application. (Exhibit A, pp. 13 – 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.

Petitioner requested a hearing to dispute that she received a redetermination application and the closure of her FAP case. The Department closed Petitioner's FAP case, effective August 1, 2024, for failure to return the redetermination application.

When a group is actively receiving FAP benefits, the Department must periodically redetermine or renew an individual's eligibility for active programs and may do so with a redetermination application or other forms. BAM 210 (July 2024), p. 1. Benefits stop at the end of the benefit period unless a redetermination is completed, and a new benefit period is certified. BAM 210, p. 3. If the client's FAP case is closed due to a failure to return the redetermination application by the end of the benefit period, the client may reapply for FAP benefits. BAM 210, pp. 22 – 23.

In this case, the Department sent Petitioner a redetermination application on June 4, 2024 with a due date of June 24, 2024 to Petitioner's address of record, which Petitioner verified at the hearing. (Exhibit A, pp. 6 – 12). The Department testified that the completed redetermination application was not returned by June 24, 2024 and Petitioner's FAP benefit period ended July 31, 2024. (Exhibit A, p. 1).

At the hearing, Petitioner explained that she did not return the FAP redetermination application because she did not receive it, expected it to be sent with her Medicaid (MA) redetermination, and only discovered her FAP case was closed when she attempted to use her benefits in August 2024 and no benefits were available. Although Petitioner testified that she contacted the Department when she discovered the issue, her FAP case had already closed as of August 1, 2024 because the Department did not receive the completed FAP redetermination application. Because there was no evidence that the Department failed to send the redetermination application, and Petitioner did not

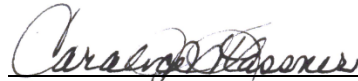
return the completed redetermination application, the Department properly closed Petitioner's FAP.

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 when she failed to return the redetermination application to the Department.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.

CML/nr



Caralyce M. Lassner
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

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Interested Parties

BSC4

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MOAHR

Via-First Class Mail :

Petitioner

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