



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
DIRECTOR

██████████
██████████
██████████ MI ██████████

Date Mailed: December 13, 2024
MOAHR Docket No.: 24-012380
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Linda Jordan

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 on December 5, 2024, via teleconference. Petitioner appeared and represented herself. Brooke Deja, Assistance Payments Worker, appeared on behalf of the Michigan Department of Health and Human Services (MDHHS or Department). MDHHS' Hearing Packet was admitted into evidence at the hearing as MDHHS Exhibit A, pp. 1-14.

ISSUE

Did MDHHS properly terminate Petitioner's Food Assistance Program (FAP) benefits?

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 ██████████ 2024, MDHHS sent Petitioner a redetermination packet for FAP (Exhibit A, p. 7). The deadline to return the redetermination to MDHHS was August 26, 2024 (Exhibit A, p. 7).
3. On August 20, 2024, the form was returned to MDHHS by the United States Postal Service (USPS) as undeliverable (Exhibit A, p. 14).
4. On August 21, 2024, MDHHS sent Petitioner a Verification Checklist (VCL) to confirm her address.

5. MDHHS closed Petitioner's FAP case, effective [REDACTED] 2024, because it had not received the redetermination packet by the deadline.
6. On [REDACTED] 2024, Petitioner reapplied for FAP and was approved.
7. On November 4, 2024, Petitioner requested a hearing (Exhibit A, p. 4).

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. MDHHS 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, MDHHS closed Petitioner's FAP case for failing to receive the redetermination packet by the deadline.

MDHHS is required to periodically redetermine or renew an individual's eligibility for active benefit programs, including FAP. BAM 210 (July 2024), p. 1. For FAP, benefits stop at the end of the benefit period unless a redetermination is completed, and a new benefit period is certified. *Id.*, p. 3. To receive uninterrupted benefits, the client must file the redetermination by the 15th day of the redetermination month. BAM 210, p. 16. MDHHS is required to complete an interview with the client and may need to request additional verifications to confirm the client's eligibility. Verifications for FAP must be provided by the end of the current benefit period or within ten days after they are requested, whichever allows more time. BAM 210, pp. 18-19.

If a client files an application for redetermination before the end of the benefit period, but fails to take a required action, the case is denied at the end of the benefit period. BAM 210, p. 22. If the client completes the required action within 30 days after the end of the benefit period, MDHHS must re-register the redetermination application using the date the client completed the process, and if client is eligible, prorate benefits from the date the redetermination application was registered. BAM 210, p. 22.

Here, it is undisputed that Petitioner did not return the redetermination packet to MDHHS before the end of the redetermination month, which was September 2024. It is also undisputed that the redetermination packet was returned to MDHHS as undeliverable, even though it was addressed to Petitioner's current address. Although Petitioner did not receive the redetermination packet, MDHHS attempted to verify Petitioner's address prior to the redetermination month by sending Petitioner a

verification checklist. Petitioner acknowledged receipt of this communication and testified that she returned it to the local office; however, she could not recall when she returned it. MDHHS testified that it did not receive the address verification by the deadline.

Petitioner did not present sufficient evidence or testimony to conclude that she responded to MDHHS' request to verify her address in a timely manner. Because she did not respond to MDHHS' request prior to the deadline, MDHHS did not send another redetermination packet. The record shows that MDHHS followed policy when it attempted to renew Petitioner's FAP benefits, and although Petitioner did not receive redetermination packet, she was under an obligation to respond to MDHHS' verification request, and did not do so by the deadline. Clients are required to respond to requests for information within ten days. BAM 130 (May 2024), p. 7.

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 MDHHS acted in accordance with Department policy when it terminated Petitioner's FAP benefits.

DECISION AND ORDER

Accordingly, MDHHS' decision is **AFFIRMED**.

LJ/pt



Linda Jordan
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 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
Joann Sepic
Berrien County DHHS
401 Eighth Street
PO Box 1407
Benton Harbor, MI 49023
MDHHS-Berrien-Hearings@michigan.gov

Interested Parties
BSC3
M Holden
B Cabanaw
N Denson-Sogbaka
MOAHR

Via-First Class Mail:

Petitioner
[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]