

Date Mailed: May 6, 2025

Docket No.: 25-013319

Case 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 Microsoft Teams on May 5, 2025; the parties participated by telephone. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Richkelle Curney, hearings facilitator.

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 February 2025, Petitioner was an ongoing recipient of FAP benefits with a benefit period certified through March 2025.
2. As of February 2025, Petitioner was an ongoing recipient of Medical Assistance (MA) and Supplemental Security Income (SSI) benefits.
3. On February [REDACTED] 2025, MDHHS mailed Petitioner a Redetermination form to continue FAP benefits. Petitioner's due date to return the form was February 24, 2025. Boilerplate stated that Petitioner would lose uninterrupted FAP eligibility unless the form was received by March 15, 2025.
4. As of April 2025, Petitioner had not returned to MDHHS a Redetermination form.
5. Beginning April 2025, Petitioner's FAP eligibility ended.

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6. On April 9, 2025, Petitioner requested a hearing to dispute the termination of FAP benefits. Petitioner also requested a hearing to dispute Medical Assistance (MA) eligibility.
 7. On May █ 2025, during an administrative hearing, Petitioner withdrew her dispute over MA benefit closure.

CONCLUSIONS OF LAW

The MA program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. MDHHS administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k. MA policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing, in part, to dispute an alleged termination of MA benefits. Exhibit A, pp. 4-6. During the hearing, Petitioner acknowledged being a recipient of SSI benefits. Typically, SSI recipients receive Medicaid automatically (see BEM 150). Following a check of Petitioner's Medicaid history, MDHHS stated that Petitioner received ongoing Medicaid since 2014.¹ Petitioner acknowledged that she receives ongoing MA and only thought otherwise under the mistaken belief that a closure of FAP benefits equated to a closure of all active programs. Based on Petitioner's partial hearing request withdrawal, Petitioner's dispute over MA will be dismissed.

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 also requested a hearing to dispute a termination of FAP benefits. Exhibit A, pp. 4-6. MDHHS stated that Petitioner's FAP eligibility ended beginning April 2025 after Petitioner failed to return redetermination documents.

For all programs, a complete redetermination is required at least every 12 months. BAM 210 (April 2025) 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.

¹ MDHHS mistakenly stated in its hearing summary that Petitioner did not receive MA since 2014. MDHHS's mistaken statement was based on checking the wrong case number. Petitioner has received MA benefits since 2014, just under a different case number than the one checked by MDHHS.

MDHHS mailed Petitioner a Redetermination form on February █ 2025. Exhibit A, pp. 7-13. The Redetermination form warned that the form must be completed and returned to MDHHS by February 24, 2025. *Id.*, p. 7. The form also stated that Petitioner had until March 15, 2025, to return the form to receive uninterrupted benefits and that benefits would end March 31, 2025. It was not disputed that Petitioner had not returned the form to MDHHS by the date of hearing.

Petitioner's testified she did not receive the form until February █ 2024 because it was sent to an alternative address. Petitioner's testimony is curious because the mailing address on the Redetermination matched Petitioner's mailing address current as of the hearing. Further, MDHHS credibly testified that it updated Petitioner's address in August 2024: thus, any documents since August 2024 should have gone to Petitioner's most recently reported mailing address.

Petitioner also testified that she called MDHHS shortly after receiving the Redetermination form and was told that a new form would be sent because Petitioner required an updated interview date. Again, Petitioner's testimony is curious because no interview was required and no interview date was listed on the original form.

Given the evidence, MDHHS established that it properly terminated Petitioner's FAP eligibility beginning April 2025. As discussed during the hearing, Petitioner's recourse is to reapply for FAP benefits.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that Petitioner withdrew her dispute over a termination of Medicaid. Concerning Medicaid, Petitioner's hearing request is **DISMISSED**.

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 April 2025. The actions taken by MDHHS are **AFFIRMED**.



CHRISTIAN GARDOCKI
ADMINISTRATIVE LAW JUDGE

APPEAL RIGHTS: Petitioner may appeal this Hearing Decision to the circuit court. Rules for appeals to the circuit court can be found in the Michigan Court Rules (MCR), including MCR 7.101 to MCR 7.123, available at the Michigan Courts website at courts.michigan.gov. The Michigan Office of Administrative Hearings and Rules (MOAHR) cannot provide legal advice, but assistance may be available through the State Bar of Michigan at <https://lrs.michbar.org> or Michigan Legal Help at <https://michiganlegalhelp.org>. A copy of the circuit court appeal should be sent to MOAHR. A circuit court appeal may result in a reversal of the Hearing Decision.

Either party who disagrees with this Hearing Decision may also send a written request for a rehearing and/or reconsideration to MOAHR within 30 days of the mailing date of this Hearing Decision. The request should include Petitioner's name, the docket number from page 1 of this Hearing Decision, an explanation of the specific reasons for the request, and any documents supporting the request. The request should be sent to MOAHR

- by email to MOAHR-BSD-Support@michigan.gov, **OR**
- by fax at (517) 763-0155, **OR**
- by mail addressed to
Michigan Office of Administrative Hearings and Rules
Rehearing/Reconsideration Request
P.O. Box 30639
Lansing Michigan 48909-8139

Documents sent via email are not secure and can be faxed or mailed to avoid any potential risks. Requests MOAHR receives more than 30 days from the mailing date of this Hearing Decision may be considered untimely and dismissed.



Via Electronic Mail:

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MOAHR

Via First Class Mail:

Petitioner
[REDACTED]
[REDACTED]
[REDACTED]