

**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

IN THE MATTER OF:

[REDACTED]

MAHS Reg. No.: 15-015466
Issue No.: 3003
Agency Case No.: [REDACTED]
Hearing Date: October 19, 2015
County: WAYNE-DISTRICT 57

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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; 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 October 19, 2015, from Detroit, Michigan. The Petitioner was represented by [REDACTED]. The Department was represented by [REDACTED], Family Independence Manager.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) benefits effective August 1, 2015?

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 [REDACTED], the Department sent Petitioner a Redetermination (DHS-1010), which was due back by July 1, 2015. See Exhibit A, pp. 5-10.
3. On [REDACTED], the Department also sent Petitioner a Redetermination Telephone Interview form (DHS-574), informing her that the Department would contact her for her scheduled telephone interview on [REDACTED]. See Exhibit A, p. 4. However, the Redetermination Telephone Interview form also indicated that the Department must have a completed Redetermination form in order to complete the interview. See Exhibit A, p. 4.

4. Petitioner failed to submit the redetermination before the due date of [REDACTED].
5. On [REDACTED], the Department sent Petitioner a Notice of Missed Interview (DHS-254), informing her that she missed her scheduled interview to apply for/redetermine FAP benefits and that it is her responsibility to reschedule the interview before [REDACTED], or her application/redetermination would be denied. See Exhibit A, p. 12.
6. Petitioner argued that she contacted the Department multiple times/left voicemails in July 2015 to reschedule her interview, but to no avail.
7. The Department did not receive the redetermination before the end of the benefit period ([REDACTED]).
8. The Department closed Petitioner's FAP effective [REDACTED].
9. On [REDACTED], Petitioner filed a hearing request, protesting the Department's action. See Exhibit A, pp. 2-3.

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. BAM 105 (July 2015), p. 8. This includes completion of necessary forms. BAM 105, p. 8. The local office must assist clients who ask for help in completing forms or gathering verifications. BAM 105, p. 14.

A complete redetermination is required at least every 12 months. BAM 210 (July 2015), p. 1. Local offices must assist clients who need and request help to complete applications, forms and obtain verifications. BAM 210, p. 1.

For FAP cases, benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. BAM 210, p. 2. If the client does not

begin the redetermination process, the Department allows the benefit period to expire. BAM 210, p. 2.

Moreover, an interview is required before denying a redetermination even if it is clear from the DHS-1010/1171 or other sources that the group is ineligible. BAM 210, p. 3. For FAP telephone interviews, the individual interviewed may be the client, the client's spouse, any other responsible member of the group or the client's authorized representative. BAM 210, p. 4. If the client misses the interview, the Department sends a DHS-254, Notice of Missed Interview. BAM 210, p. 4. To conduct the interview, the Department obtains a complete redetermination/review packet from the client. BAM 210, p. 12 (see additional steps the Department completes when conducting the interview).

A redetermination/review packet is considered complete when all of the sections of the redetermination form including the signature section are completed. BAM 210, p. 10. When a complete packet is received, the Department records the receipt in its system as soon as administratively possible. BAM 210, p. 10. If the redetermination is submitted through MI Bridges, the receipt of the packet will be automatically recorded. BAM 210, p. 10.

For FAP cases, if the redetermination packet is not logged in by the last working day of the redetermination month, the Department automatically closes the Eligibility Determination Group (EDG). BAM 210, p. 11. A DHS-1605, Notice of Case Action, is not generated. BAM 210, p. 11.

At the hearing, Petitioner testified that she did not know that the redetermination had to be submitted before the interview in order for the telephone interview to be conducted. Nevertheless, Petitioner argued that she contacted the Department multiple times/left voicemails in July 2015 to reschedule her interview, but to no avail. See Exhibit A, p. 12. Petitioner did not dispute that she never submitted the redetermination by the end of the benefit period.

In response, the Department representative at the hearing was not Petitioner's actual caseworker. Nonetheless, the Department testified that Petitioner failed to submit the redetermination.

Based on the foregoing information and evidence, the Department properly closed Petitioner's FAP benefits effective [REDACTED], ongoing, in accordance with Department policy. The evidence established that Petitioner failed to submit the redetermination before the end of the benefit period ([REDACTED]). Even though Petitioner argued that she received no response from the Department to reschedule her interview, the Redetermination Telephone Interview form (DHS-574) clearly states the Department must have a completed redetermination form in order to complete the interview (Exhibit A, p. 4), which the Petitioner failed to submit in this case. See BAM 210, p. 12 (To conduct the interview, the Department obtains a complete

redetermination/review packet from the client). Ultimately, Petitioner must complete the necessary forms to determine her ongoing eligibility. BAM 105, p. 8. Because Petitioner failed to submit a completed redetermination by the end of the benefit period ([REDACTED]), the Department acted in accordance with Department policy when it closed Petitioner's FAP benefits effective [REDACTED]. BAM 105, p. 8 and BAM 210, pp. 1-12. Petitioner can reapply for benefits.

DECISION AND ORDER

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 benefits effective August 1, 2015.

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



Eric Feldman
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **10/20/2015**

Date Mailed: **10/20/2015**

EF / hw

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date. A copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from MAHS within 30 days of the mailing date of this Hearing Decision, or MAHS **MAY** order a rehearing or reconsideration on its own motion. MAHS **MAY** grant a party's Request for Rehearing or Reconsideration when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The party requesting a rehearing or reconsideration must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

cc:

