

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

IN THE MATTER OF:

██████████
██████████
██████████

MAHS Reg. No.: 15-017209
Issue No.: 3003
Agency Case No.: ██████████
Hearing Date: November 09, 2015
County: Macomb-District 20

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 November 9, 2015, from Detroit, Michigan. Petitioner appeared and represented herself. The Department was represented by ██████████, Hearings Facilitator.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) case on the basis that she failed to return a redetermination?

FINDINGS OF FACT

1. Petitioner was an ongoing recipient of FAP benefits.
2. In connection with a redetermination, Petitioner's eligibility for FAP benefits was reviewed.
3. On July 14, 2015, the Department sent Petitioner a Redetermination form that was to be completed and returned to the Department by August 3, 2015. (Exhibit A, pp. 1-6)
4. On July 14, 2015, the Department sent Petitioner a Food Assistance Benefits Redetermination Filing Record (Filing Record). (Exhibit A, pp. 7-8)
5. On August 10, 2015, the Department received Petitioner's completed Filing Record. (Exhibit B)
6. Petitioner's FAP case closed effective August 31, 2015.

7. On September 22, 2015, Petitioner requested a hearing disputing the Department's actions.

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.

Additionally, the Department must periodically redetermine an individual's eligibility for active programs. The redetermination process includes a thorough review of all eligibility factors. BAM 210 (July 2015), p 1. If a FAP client does not begin the redetermination process, the Department will allow the benefit period to expire. The redetermination process begins when the client files a: DHS-1171 Assistance Application; DHS-1010 Redetermination; DHS-1171, Filing Form; or DHS-2063B, Food Assistance Benefits Redetermination Filing Record. BAM 210, p. 2.

A FAP client must also complete an interview. If the client misses the interview, Bridges sends a DHS-254, Notice of Missed Interview. BAM 210, pp. 3-4. Before the Department proceeds with the FAP interview, it must receive the completed redetermination packet from the client. FAP 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 redetermination packet is not logged in by the last working day of the redetermination month, Bridges will automatically close the FAP case without sending a Notice of Case Action. BAM 210, p.10.

In this case, the Department testified that because it did not receive the completed redetermination form from Petitioner prior to the end of the August 31, 2015, certification period, it was unable to certify a new benefit period and Petitioner's FAP case closed. The Department confirmed that on August 10, 2015, it received Petitioner's completed Food Assistance Benefits Redetermination Filing Record, which began the redetermination process. (Exhibit B). The Department stated that Petitioner was still required to complete the redetermination form and return it to the Department with the necessary verifications in order for the Department to contact Petitioner to complete the interview and to complete the redetermination process per policy. The Department explained that the Filing Record holds the FAP case open until the end of the

certification month and puts the Department on notice that a client will be completing and returning the redetermination packet.

At the hearing, Petitioner initially confirmed that she received the redetermination form but later stated that she did not remember if she received the redetermination. (Exhibit A, pp. 1-6). Petitioner stated that she completed and returned all of the forms that were sent to her and that some of the forms she submitted were not in the Department's hearing packet. Petitioner stated that if the redetermination form was in the packet sent to her on July 14, 2015, then she likely completed it. Although Petitioner asserted that she called her case worker and her case worker's supervisor to inquire about the redetermination and the paperwork, Petitioner did not establish that she completed the redetermination form and submitted it to the Department prior to the end of the certification period. The testimony provided at the hearing suggested that a Notice of Missed Interview was sent to Petitioner and that her phone calls were attempts to reschedule the FAP interview. Based on the evidence presented, it was established that Petitioner only submitted the Filing Record to begin the redetermination process and that the redetermination process was not completed prior to the end of the August 31, 2015, certification period, as Petitioner did not complete and submit the required redetermination form.

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 case on the basis that she failed to timely return the redetermination form.

DECISION AND ORDER

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



Zainab Baydoun
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: 11/18/15

Date Mailed: 11/18/15

ZB / tlf

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:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]