

**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.: 15-020871  
Issue No.: 3003  
Agency Case No.: [REDACTED]  
Hearing Date: January 04, 2016  
County: WAYNE-DISTRICT 17

**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 January 4, 2016, from Detroit, Michigan. Petitioner appeared for the hearing and represented himself. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearings Facilitator.

**ISSUE**

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

**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. In connection with a redetermination, Petitioner's eligibility to receive FAP benefits was reviewed.
3. On [REDACTED], the Department sent Petitioner a Redetermination form that was to be completed and returned to the Department by [REDACTED]. (Exhibit A)
4. A redetermination telephone interview was scheduled for [REDACTED]. (Exhibit A)

5. On [REDACTED], the Department sent Petitioner a Notice of Missed Interview informing him that he had until September 30, 2015, to reschedule his interview, or his ongoing benefits would be denied. (Exhibit B)
6. Petitioner's FAP case closed at the end of the certification period on [REDACTED].
7. On [REDACTED], Petitioner requested a hearing disputing the Department's actions concerning his FAP case.

### **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 a completed redetermination form from Petitioner prior to the end of the [REDACTED],

certification period, Petitioner's FAP case automatically closed. The Department stated that it also did not receive any contact or communication from Petitioner regarding the redetermination or rescheduling the redetermination interview.

At the hearing, Petitioner confirmed receiving the redetermination. Petitioner testified that a few days after he received it, he completed the form, placed it in the self-addressed envelope provided and mailed it to the Department by dropping it off in the blue postal mailbox on Warren Street, close to his old home on Miller Road. The Department stated that it reviewed Petitioner's electronic case file prior to the hearing and there was no indication that the redetermination was received. (Exhibit D). Petitioner further stated that he knew he would be unable to make the interview scheduled for [REDACTED], so he called his case worker to reschedule the interview. Petitioner testified that prior to the hearing, he accessed his phone records online and typed up a list of when and what time he called his case worker or the Department's local office regarding the redetermination and rescheduling the interview. Petitioner provided the document for review at the hearing which indicates that multiple phone calls were made to the Department prior to the case closure including calls made on [REDACTED], [REDACTED], and [REDACTED]. (Exhibit 1). The Department representative present for the hearing was not Petitioner's assigned case worker and thus was not able to refute his testimony that he contacted his case worker several times.

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 Petitioner sufficiently established that he completed the redetermination, mailed it to the Department and attempted to reschedule the FAP interview. As such, the Department did not act in accordance with Department policy when it closed Petitioner's FAP case based on a failure to complete a redetermination.

### **DECISION AND ORDER**

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reinstate Petitioner's FAP case effective [REDACTED];
2. Process Petitioner's redetermination in accordance with Department policy;
3. Issue FAP supplements to Petitioner from [REDACTED], ongoing; and

4. Notify Petitioner in writing of its decision.



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

Date Signed: **1/5/2016**

Date Mailed: **1/5/2016**

ZB / 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:

