



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: October 3, 2016
MAHS Docket No.: 16-012453
Agency 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; 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 September 29, 2016, from Detroit, Michigan. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by [REDACTED], manager, [REDACTED], specialist, and [REDACTED] manager.

ISSUE

The issue is whether MDHHS properly terminated Petitioner's Food Assistance Program (FAP) eligibility due to Petitioner's failure to return redetermination documents.

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 FAP benefit recipient.
2. Petitioner's FAP eligibility period was scheduled to expire after July 2016.
3. On [REDACTED], MDHHS mailed Petitioner a Redetermination, scheduling an interview date of [REDACTED].
4. Petitioner failed to return the Redetermination to MDHHS by the interview date.

5. Petitioner's FAP eligibility expired beginning August 2016, due to Petitioner's failure to complete the redetermination process.
6. On [REDACTED], Petitioner requested a hearing to dispute the termination of FAP eligibility.

CONCLUSIONS OF LAW

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 (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. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing to dispute a termination of FAP eligibility. Petitioner testimony initially contended his FAP eligibility stopped beginning July 2016. Later testimony conceded the FAP benefit termination began August 2016. It was not disputed that MDHHS ended Petitioner's FAP eligibility due to Petitioner's failure to complete and return redetermination documents.

For all programs, Bridges generates a redetermination packet to the client three days prior to the negative action cut-off date in the month before the redetermination is due. BEM 210 (July 2015), p. 6. The packet is sent to the mailing address in Bridges. *Id.*

[For FAP eligibility,] benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. *Id.*, p. 2. The redetermination process begins when the client files a DHS-1171, Assistance Application; DHS-1010, Redetermination; DHS-1171, Filing Form; DHS-2063B, Food Assistance Benefits Redetermination Filing Record. *Id.* If the client does not begin the redetermination process, [MDHHS is to] allow the benefit period to expire. *Id.*

It was not disputed that MDHHS mailed Petitioner a Redetermination (Exhibit 1, pp. 1-6) on [REDACTED]. Petitioner testimony conceded he did not return the document to MDHHS at any point before the end of July 2016 (the end of Petitioner's FAP benefit period).

Petitioner testified he was not comfortable returning the Redetermination to MDHHS because of concerns he had about his family's personal information. Petitioner also testified his concerns might have been allayed had MDHHS called him at the scheduled interview date and time. Petitioner testimony also implied if MDHHS had called, he could have been told to return the redetermination documents.

It was not disputed MDHHS did not call Petitioner on the date of the scheduled FAP interview. MDHHS is under no obligation to call a client that fails to return redetermination documents. The first line following the interview date and time on the Redetermination Telephone Interview Form (Petitioner's form was not presented) is known to read "Your specialist must have the completed redetermination form in order to complete the interview."

Petitioner's failure to return any redetermination documents to MDHHS during his FAP benefit period is persuasive evidence that MDHHS properly terminated Petitioner's FAP eligibility. Petitioner testimony implied that an unexpected leave of absence by his specialist should excuse his failure to return redetermination documents.

Petitioner credibly testified he called his specialist on the scheduled date of interview. Petitioner did not allege specifics about leaving a voicemail for his specialist on that, or any other day.

MDHHS policy requires MDHHS to provide assistance to clients who request help (see BAM 105 and BAM 130). A single unanswered phone call to MDHHS is not persuasive evidence of a failure that MDHHS assisted Petitioner. Further, MDHHS testimony credibly indicated the absent specialist's voicemail referred clients to other specialists for assistance.

It is found MDHHS did not fail to assist Petitioner. It is further found MDHHS properly terminated Petitioner's FAP eligibility due to Petitioner's failure to return redetermination documents.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly terminated Petitioner's FAP benefit eligibility, effective August 2016. The actions taken by MDHHS are **AFFIRMED**.

CG/hw



Christian Gardocki
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

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 Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

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

DHHS

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]