



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: June 13, 2017
MAHS Docket No.: 17-006213
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Denise McNulty

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 June 7, 2017, from Lansing, Michigan. The Petitioner represented himself. The Department of Health and Human Services (Department) was represented by [REDACTED] Hearing Facilitator, and [REDACTED] Eligibility Specialist.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) benefits?

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 the annual review of Petitioner's FAP benefits, the Department scheduled a telephone interview with Petitioner for March 1, 2017. The telephone interview did not occur as scheduled. [Exhibit A, p. 4.]
3. On March 1, 2017, the Department sent Petitioner a Notice of Missed Interview notifying him that it was his responsibility to reschedule the telephone interview prior to March 31, 2017. The Department further notified Petitioner that failure to reschedule would lead to the redetermination of his benefits being denied. [Exhibit A, p. 4.]

4. The Department attempted to reach Petitioner by telephone on March 3, 2017, and on March 30, 2017. Voice messages were left by the Department for Petitioner however the messages were not retrieved by Petitioner.
5. On May 1, 2017, the Department received Petitioner's request for hearing disputing the Department's actions concerning his FAP benefits.

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.

Petitioner requested a hearing to dispute the Department's closure of his FAP case. Benefits stop at the end of the benefit period **unless** a redetermination is completed **and** a new benefit period is certified. BAM 210, (July 2016) p. 3. When a client misses an interview the Department is required to send the client a Notice of Missed Interview, advising them it is the clients' responsibility to request another interview date. BAM 115, (July 2016), p. 23. In this case, the Department provided Petitioner with the required notice and information regarding the missed interview.

The Department also advised Petitioner the date by which the interview needed to occur or else the redetermination would be denied. [Exhibit A, p.4.] The Department made additional efforts to reach Petitioner after he missed the scheduled interview of March 1, 2017, to no avail. Because the Department was unable to interview Petitioner the redetermination remained incomplete and the benefit period was not certified.

It was proper for the Department to close Petitioner's FAP case when he failed to reschedule an interview to complete the redetermination of his 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 case.

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



DM/nr

Denise McNulty
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]

[REDACTED]

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]