



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED]

Date Mailed: January 25, 2018  
MAHS Docket No.: 17-016156  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler**

**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; 42 CFR 438.400 to 438.424; 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 18, 2018, from Detroit, Michigan. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator.

**ISSUE**

Did the Department properly close Petitioner's Food Assistance Program (FAP) benefits case on October 31, 2017?

**FINDINGS OF FACT**

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On September 5, 2017, the Department issued a Redetermination to the Petitioner.
2. On October 2, 2017, the Department processed Petitioner's completed Redetermination.
3. On the same day, Petitioner was scheduled for an interview at 10:00 AM by phone.
4. The parties agree that the interview did not take place as originally scheduled.
5. Since the interview did not take place, the Department's computer system auto-generated a Notice of Missed Interview to the Petitioner indicating that if Petitioner did not take action to reschedule the interview by October 31, 2017, her FAP case would be denied.
6. Petitioner made several attempts to contact her case worker about the interview.

7. On October 31, 2017, Petitioner's FAP case was closed for failure to complete the interview.
8. On November 20, 2017, Petitioner submitted a new application for FAP benefits.
9. On November 22, 2017, the Department issued a Notice of Case Action approving the Petitioner for \$ [REDACTED] in FAP benefits for the period from November 20, 2017, through November 30, 2017, and denying her application for December 2017 ongoing.
10. On December 8, 2017, the Department issued a new Notice of Case Action approving the Petitioner for FAP benefits in the amount of \$ [REDACTED] from December 1, 2017, through October 31, 2018.
11. On December 4, 2017, Petitioner submitted her hearing request disputing the closure of her 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 Petitioner indicated at the start of the hearing that her State Disability Assistance (SDA) case had been closed at the same time as her FAP benefits case was closed on October 31, 2017. However, the Department testified that Petitioner did not have an SDA case at the time of the FAP closure. Therefore, there was no case to close and no issue to be addressed at the hearing. This portion of her hearing request is dismissed. Petitioner's concerns about the closure of her FAP case are discussed below.

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.

In this case, the Department closed the Petitioner's FAP case effective October 31, 2017, for failure to participate in or schedule an interview by October 31, 2017.

The purpose of an interview is to explain program requirements to the applicant and to gather information for determining the group's eligibility. BAM 115 (October 2017), p. 17. An interview is required before the Department may deny assistance even if it is clear from an application, redetermination, or other source that the group is ineligible.

BAM 115, p. 18; BAM 210 (October 2017), p. 4. Telephone interviews are used at Redetermination before determining ongoing eligibility. BAM 210, p. 6. If clients miss an interview appointment, Bridges sends a DHS-254, Notice of Missed Interview, advising the client of their responsibility to request another interview date. BAM 115, p. 24. Notice is sent only after the first missed interview. BAM 115, p. 24. If the client calls to reschedule, the appointment should be rescheduled prior to the 30<sup>th</sup> day if possible. BAM 115, p. 24. If the client fails to reschedule or misses the rescheduled interview, the application is denied on the 30<sup>th</sup> day. BAM 115, p. 24.

Petitioner's interview was scheduled for October 2, 2017. When Petitioner mailed her Redetermination back to the Department, she included a note on the last page indicating that she "will be in the DHHS lobby" but did not include further information. At the hearing, Petitioner explained that she had included the note because she has had many problems with her case worker with documenting things in a timely manner, communicating, and otherwise following up on her case. She wanted her case worker to know that she would be at the Department office for her interview. On October 2, 2017, Petitioner sat in the lobby of her local DHHS office all day waiting for a call from her case worker for her interview. She checked in with the front desk multiple times throughout the day asking about her interview but was repeatedly told to wait. She never received a call and her case worker never came to get her out of the lobby.

A review of the case notes from Petitioner's case worker show that Petitioner and her caseworker discussed the upcoming interview on September 18, 2017. There are no notes indicating whether or not the case worker attempted to contact Petitioner for her interview on October 2, 2017. Then on October 4, 2017, the case worker returned Petitioner's phone call and left a voicemail indicating that no interview was held and that she needed to reschedule the interview. The parties agree that Petitioner's case worker would have been the one to initiate the call to the Petitioner for the interview. This position is supported by the Redetermination listing a date, time, and telephone interview type without providing the Petitioner with any instruction to call a certain phone number on the specified date and time.

During the hearing, Petitioner also testified that she made daily visits to the local DHHS office and more than a handful of phone calls in an effort to resolve the issue and schedule an interview. Ultimately the interview was held on November 13, 2017. Neither party presented any evidence of when the interview was scheduled, but presumably it was scheduled after October 31, 2017, since Bridges closed Petitioner's case.

Since the initial responsibility was on the case worker to contact the Petitioner on October 2, 2017, for the interview, but no evidence was presented to show that he had attempted to contact her, and because of Petitioner's repeated efforts to reach out to her case worker to reschedule the interview, the Department has not met its burden of proof to show that it acted in accordance with policy in closing the Petitioner's FAP case on October 31, 2017, as a result of the missed interview.

**DECISION AND ORDER**

Petitioner's request for hearing regarding her SDA concerns is dismissed.

The Department's decision on Petitioner's FAP benefits case 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 benefits case as of November 1, 2017;
2. Reprocess the Redetermination received by the Department on October 2, 2017;
3. Reprocess the interview held on November 13, 2017 and treat it as being held timely;
4. If Petitioner is eligible for FAP benefits beginning November 1, 2017, issue any FAP supplements from November 1, 2017, ongoing in accordance with policy; and
5. Notify Petitioner in writing of its decision.



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**Amanda M. T. Marler**  
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]

**Petitioner**

[REDACTED]

[REDACTED]

[REDACTED]

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