



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
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[REDACTED] MI [REDACTED]

Date Mailed: June 20, 2018
MAHS Docket No.: 18-004674
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; 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 June 13, 2018, from Detroit, Michigan. Petitioner appeared and was unrepresented. [REDACTED], Petitioner's daughter, testified on behalf of Petitioner. The Michigan Department of Health and Human Services (MDHHS) was represented by Haysem Hosney, hearing facilitator.

ISSUE

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

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. Her FAP benefits were certified through March 2018.
2. On February 5, 2018, MDHHS mailed Petitioner a Redetermination. The Redetermination informed Petitioner of a telephone interview on March 1, 2018, at 2:30 p.m. The document also informed Petitioner to complete and return to MDHHS the Redetermination before the interview. (Exhibit A, pp. 2-12)

3. As of March 1, 2018, MDHHS received Petitioner's completed Redetermination. Petitioner's Redetermination was not yet scanned into Petitioner's electronic case file due to a back-up by MDHHS in scanning documents.
4. On March 1, 2018, Petitioner's MDHHS specialist did not call Petitioner for a FAP interview because it was thought that Petitioner did not submit her Redetermination. MDHHS mailed Petitioner a Notice of Missed Interview (Exhibit A, p. 14) as a result of believing that Petitioner did not submit her Redetermination.
5. Petitioner's FAP eligibility expired after March 2018 due to MDHHS' failure to process Petitioner's Redetermination and/or interview Petitioner.
6. On May 7, 2018, Petitioner requested a hearing to dispute the expiration of her FAP eligibility beginning April 2018.

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. 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. 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 benefits beginning April 2018. The evidence established that Petitioner's FAP eligibility ended after March 2018 due to redetermination problems.

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 (January 2018), p. 6. The packet is sent to the mailing address in Bridges. *Id.*

For FAP benefits, the redetermination process begins when the client files a DHS-1171, Assistance Application, DHS-1010, Redetermination, or other acceptable documents. Benefits stop at the end of the benefit period unless a redetermination is completed, and a new benefit period is certified. *Id.*, p. 3.

For FAP benefits, MDHHS is to conduct a telephone interview at redetermination before determining ongoing eligibility. *Id.*, p. 6. If the client misses the interview, Bridges sends a DHS-254, Notice of Missed Interview. *Id.*, p. 6.

MDHHS acknowledged that Petitioner timely submitted her Redetermination to MDHHS before her scheduled interview date on March 1, 2018. At the time of Petitioner's

Redetermination submission, MDHHS happened to be behind in scanning documents from clients (see Exhibit A, p. 13). Thus, when Petitioner's specialist checked Petitioner's submissions at the time of Petitioner's interview, Petitioner's submission was not apparent in Petitioner's electronic case file. MDHHS proceeded as if Petitioner had not timely submitted her Redetermination and mailed Petitioner notice that she had not submitted her Redetermination.

Given MDHHS acknowledgements, it is curious that MDHHS had not yet corrected the termination of Petitioner's FAP eligibility. MDHHS testimony indicated that Petitioner was contacted by telephone to reschedule her FAP interview but has not yet been reached. Petitioner's daughter testified that she returned all of MDHHS' telephone calls and was also unsuccessful in reaching her mother's specialist.

Given Petitioner's timely Redetermination submission, it must be found that MDHHS failed to properly process Petitioner's redetermination of FAP eligibility; thus, the termination of Petitioner's FAP eligibility was improper. As of the date of hearing, MDHHS had still not interviewed Petitioner concerning continuing FAP eligibility. The below order assumes that Petitioner's continued FAP eligibility has still not been redetermined and orders MDHHS to provide Petitioner with a new date and time for an interview.

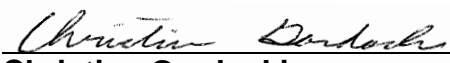
DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS improperly terminated Petitioner's FAP eligibility. It is ordered that MDHHS begin to perform the following actions within 10 days of the date of mailing of this decision:

- (1) if necessary, mail Petitioner a date and time for a new FAP interview date and time; and
- (2) initiate processing of Petitioner's redetermination of FAP benefits from April 2018.

The actions taken by MDHHS are **REVERSED**.

CG/



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) 763-0155; 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

Vivian Worden
MDHHS-Macomb-36-Hearings

Petitioner

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BSC4
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