



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
Date Mailed: June 22, 2018
MAHS Docket No.: 18-004943
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Ellen McLemore

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 21, 2018, from Detroit, Michigan. Petitioner was present with his Authorized Hearing Representative (AHR), [REDACTED]. The Department of Health and Human Services (Department) was represented by Christine Brown, Eligibility Specialist.

ISSUE

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

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 recipient.
2. On [REDACTED] 2018, the Department sent Petitioner a redetermination related to his FAP case with a due date of April 1, 2018 (Exhibit A). Petitioner was also scheduled a telephone interview on [REDACTED], 2018, related to the redetermination.
3. On April 2, 2018, the Department sent Petitioner a Notice of Missed Appointment, as neither Petitioner, nor his AHR attended the interview. Petitioner was advised that if the redetermination process was not completed, his benefits would end April 30, 2018.

4. On [REDACTED], 2018, the Department sent Petitioner a reprinted redetermination related to his FAP case.
5. Petitioner FAP case closed effective April 30, 2018.
6. On May 8, 2018, Petitioner's AHR submitted a hearing request disputing the Department's actions.

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.

The Department must periodically redetermine or renew an individual's eligibility for active programs. BAM 210 (April 2017), p. 1. Redetermination, renewal, semi-annual and mid-certification forms are often used to redetermine eligibility of active programs. BAM 210, p. 1. A complete redetermination/renewal is required at least every 12 months. BAM 210, p. 1. For FAP cases, benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. BAM 210, p. 1. If a client does not begin the redetermination process, the benefit period will be allowed to expire. BAM 210, p. 1.

In this case, Petitioner's FAP benefit period ended April 30, 2018. On [REDACTED], 2018, the Department sent Petitioner a redetermination packet to be completed by April 2, 2018. Petitioner was also scheduled a telephone interview on [REDACTED], 2018. When neither Petitioner, nor his AHR attended the [REDACTED], 2018 interview, a Notice of Missed Appointment was sent. A second redetermination was sent on [REDACTED], 2018. The Department testified neither redetermination packet was returned. As a result, Petitioner's FAP benefit period was allowed to expire and his case was closed.

Petitioner's AHR testified that she did not receive the redetermination packet sent on [REDACTED], 2018. Initially Respondent's AHR testified that she did not receive the Notice of Missed Appointment but then later stated she did receive the document. Respondent's AHR testified that she contacted the worker and was informed Petitioner had been transitioned to a different worker. Petitioner's AHR informed the former worker that she did not receive the redetermination packet. Petitioner's AHR was advised a

new packet would be mailed. Petitioner's AHR stated she believed she did not receive the second redetermination packet until [REDACTED] 2018. As a result, Petitioner's AHR did not complete the redetermination and did not conduct the interview.

Petitioner's AHR's testimony as what she received and when was not certain. Petitioner's AHR often wavered in her testimony as to her receipt of the documents sent by the Department. Therefore, Petitioner did not present sufficient evidence that she did not timely receive the redetermination paperwork. As Petitioner did not submit the redetermination timely, the Department acted in accordance with policy when it allowed Petitioner's FAP benefits to expire and closed his case.

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 allowed Petitioner's FAP benefits to expire and closed his case. Accordingly, the Department's decision is **AFFIRMED**.

EM/cg



Ellen McLemore
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

Via Email:

MDHHS-Oakland-3-Hearings
M. Holden
D. Sweeney
BSC4- Hearing Decisions
MAHS

**Petitioner –
Via First-Class Mail:**

[REDACTED]

**Authorized Hearing Rep. –
Via First-Class Mail:**

[REDACTED]