



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]

Date Mailed: September 4, 2018
MAHS Docket No.: 18-007609
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: John Markey

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 August 30, 2018, from Lansing, Michigan. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Kathleen Scorpio-Butina, Hearings Facilitator, and Crystal Sanders, Eligibility Specialist. During the hearing, 17 pages of documents were offered and admitted as Exhibit A, pp. 1-17.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) benefits case as a result of Petitioner's failure to participate in or reschedule a scheduled Redetermination interview?

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 April 4, 2018, the Department issued to Petitioner a Redetermination in order to gather relevant information regarding ongoing eligibility for FAP benefits. The Redetermination indicated that Petitioner had a scheduled telephone interview on May 7, 2018, at 1:00 pm. Petitioner was informed that if she could not make the interview, she needed to contact the Department beforehand to reschedule. The

document further told Petitioner that failure to attend could result in her benefits being expired, cancelled, or reduced. Exhibit A, pp. 6-13.

3. On May 4, 2018, Petitioner returned the completed Redetermination to the Department. Along with the returned Redetermination, Petitioner submitted a form entitled "Food Assistance Benefits Redetermination Filing Record." On this document, Petitioner checked a box certifying that "I, or my representative, will complete my telephone interview on **05/07/2018 1:00 PM** as scheduled." Underneath that section of the document, Petitioner certified: "I understand that my FAP benefits will end on **05/31/2018**. I am reapplying for FAP benefits at this time." Exhibit A, pp. 5-13.
4. On May 7, 2018, at 1:00 pm, Petitioner's case worker, Ms. Sanders, called Petitioner for the Redetermination interview. Petitioner failed to answer the phone or call Ms. Sanders back.
5. After Petitioner failed to participate in the Redetermination interview, the Department issued to Petitioner on May 7, 2018, a Notice of Missed Interview. The notice informed Petitioner that she missed her interview and stated the following: "It is now your responsibility to reschedule the interview before 05/31/2018 or your application/redetermination will be denied. To schedule your interview, please contact your specialist." Exhibit A, p. 14.
6. Petitioner did not contact the Department by the end of May of 2018.
7. Petitioner's FAP case was closed, effective June 1, 2018.
8. Petitioner finally contacted the Department in early June of 2018 by phone. She went into a Department office in mid-June 2018 and submitted another application for FAP benefits.
9. On July 26, 2018, Petitioner requested a hearing challenging the Department's 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 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, Petitioner's FAP case was due for redetermination as her benefit period was coming to an end on May 31, 2018. Accordingly, the Department sent to Petitioner a Redetermination form on April 4, 2018, with a due date of May 7, 2018. The Redetermination informed Petitioner that she had a Redetermination interview on May 7, 2018, at 1:00 pm. It further informed her that failure to return the completed Redetermination or participate in the Redetermination interview could result in her FAP case closing. Petitioner returned the completed Redetermination on May 4, 2018. Included in Petitioner's May 4, 2018, submission was an acknowledgement that she would participate in the interview three days later.

When the Department called Petitioner for the interview, Petitioner did not answer. The Department then sent out a Notice of Missed Interview informing Petitioner that she missed the interview and giving her instructions on how to avoid her case being closed at the end of the month. Petitioner did not follow those instructions, and the Department closed her FAP case.

Periodically, the Department must redetermine or renew a client's eligibility for FAP benefits by the end of each benefit period. BAM 210 (January 2018), pp. 1, 3. The redetermination process includes thorough review of all eligibility factors. BAM 210, p. 1. If a redetermination is not completed and a new benefit period certified, FAP benefits stop at the end of the benefit period. BAM 210, p. 3. Part of the redetermination process is an interview. BAM 210, p. 5. If a client misses the interview, the Department is required to send a Notice of Missed Interview. BAM 210, pp. 6-7. If the client then fails to reschedule and participate in the interview by the end of the month, the group loses its right to uninterrupted FAP benefits. BAM 210, p. 21.

Petitioner's benefit period was set to end, so the Department timely initiated the Redetermination process. Petitioner was clearly informed of the interview, the consequences for missing the interview, and how to avoid those consequences in a timely manner. Petitioner, however, failed to participate in the interview, reschedule it afterwards, or take any action until after the benefit period had expired. In closing Petitioner's FAP case, the Department acted according to Department policy.

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.

DECISION AND ORDER

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



JM/dh

John Markey
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

Lauren Casper
27690 Van Dyke
Warren, MI 48093

Macomb County, DHHS

BSC4 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

Petitioner

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