



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS  
DIRECTOR

[REDACTED]  
MI [REDACTED]

Date Mailed: August 2, 2019  
MOAHR Docket No.: 19-006723  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Aaron McClintic

### **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 3-way telephone hearing was held on July 30, 2019, from Lansing, Michigan. The Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by Juanita Munoz, Eligibility Specialist. Department Exhibit 1, pp. 1- 18

### **ISSUE**

Did the Department properly close Petitioner's (Food Assistance Program) FAP benefits for failing to complete redetermination?

### **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 a recipient of FAP benefits.
2. On May 30, 2019, an Appointment Notice was sent to Petitioner instructing him to appear on June 7, 2019 for his redetermination interview.
3. Petitioner failed to appear for the redetermination interview.
4. On June 18, 2019, Notice of Case Action was sent to Petitioner informing him that his FAP benefits were closing because he failed to complete redetermination.
5. On June 24, 2019, Petitioner requested hearing contesting the closure of 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.

### **At Redetermination/ Renewal**

#### **FIP, SDA, CDC, SSI-Related MA and FAP Only**

A new application, MI Bridges redetermination or DHS-1010, Rede-termination, must be completed at each redetermination of eligibility.

**Exception:** When policy requires a benefit period shorter than 12 months, the MDHHS-1171 and specific program supplement form(s), DCH-1426 or DHS-1010 on file may be updated and re-signed if **both** of the following apply:

- The application/redetermination was initially certified within the last 12 months.
- The client is interviewed (if required) and provides any needed verification before redetermination. BAM 115

### **Responsibility to Cooperate**

#### **All Programs**

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of necessary forms. BAM 115

In this case, Petitioner failed to appear for his required redetermination interview. Recipients are required to complete redetermination on a periodic basis. Failing to complete redetermination is a basis to close a case. BAM 115, 7 CFR 273.14(b)(3) Therefore the closure of Petitioner's FAP case was proper and correct and consistent with Department policy.

Petitioner does not have a telephone and does not have a car. When questioned at hearing how he gets to medical appointments he responded that his sister makes arrangements for his transportation. Petitioner requested that his worker come to his home to complete the redetermination interview. Petitioner can request reasonable accommodations but having a worker come to his home is not reasonable.

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 for failing to return verifications.

**DECISION AND ORDER**

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

AM/nr



---

Aaron McClintic  
Administrative Law Judge  
for Robert Gordon, 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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules  
Reconsideration/Rehearing Request  
P.O. Box 30639  
Lansing, Michigan 48909-8139

**DHHS**

Jeanette Cowens  
2524 Clark Street  
Detroit, MI  
48209

Wayne 41 County DHHS- via electronic  
mail

BSC4- via electronic mail

M. Holden- via electronic mail

D. Sweeney- via electronic mail

**Petitioner**

[REDACTED]  
MI