



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

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Date Mailed: January 17, 2020  
MOAHR Docket No.: 19-013135  
Agency No.: ██████████  
Petitioner: ██████████

**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 14, 2020 from ██████████ Michigan. The Petitioner was self-represented and had her daughter, ██████████ appeared as a witness. The Department of Health and Human Services (Department) was represented by Aundrea Jones, Hearings Facilitator.

**ISSUE**

Did the Department properly close Petitioner's Food Assistance Program (FAP) case for failure to complete the Redetermination process?

**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 4, 2019, the Department issued a Redetermination to Petitioner to be completed and returned to the Department by October 1, 2019.
2. On September 30, 2019, the Department received Petitioner's Redetermination packet.
3. On October 1, 2019, the Department issued a Notice of Missed Appointment to Petitioner informing her that it was her responsibility to return the completed packet and reschedule her FAP Redetermination Interview by October 31, 2019 or else her benefits would close.

4. Despite receiving the packet before the due date, the Department failed to process the packet until October 25, 2019, at which time the Department realized that the last two pages of the packet were missing.
5. On October 25, 2019, a call was placed to Petitioner and a voicemail left informing her that the last two pages of the Redetermination were missing.
6. On October 31, 2019, the Department received the missing two pages.
7. Petitioner's FAP case closed effective the same day for failure to complete the Redetermination process.
8. Between November 1, 2019 and December 11, 2019, three different Department employees attempted to contact Petitioner by phone and left voicemails for her regarding the interview.
9. Between November 22, 2019 and December 11, 2019, a supervisor sent Quick Notes, DHS-100s, to Petitioner on three occasions advising Petitioner of attempts to contact her by phone for the interview.
10. On December 3, 2019, the Department received Petitioner's request for hearing disputing the closure of her 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.

In this case, Petitioner disputes the Department's closure of her FAP case for failure to complete the Redetermination process effective November 1, 2019. Policy provides that the Department is required to periodically redetermine an individual's eligibility for active programs. BAM 210 (October 2019), p. 1. A complete redetermination, which includes the signature section on the last page, is required at least every 12 months. BAM 210, pp. 3, 12. Benefits will stop at the end of a benefit period unless a complete redetermination is timely filed, an interview is completed, and all verifications are submitted timely. BAM 210, p. 21. If the FAP group is at fault for a delay, the

redetermination must be completed within 30 days of the compliance date. BAM 210, p. 21. If a client files a completed redetermination before the end of the benefit period, but fails to take a required action, the case is denied at the end of the benefit period. BAM 210, p. 22. If the client takes the required action within 30 days after the end of the benefit period, the Department is required to re-register the redetermination using the completed process date and if the client is eligible, prorate benefits from the date of the re-registered redetermination. BAM 210, p. 22.

The Department was initially at fault for the delay in processing Petitioner's FAP Redetermination. Petitioner timely submitted her Redetermination to the Department yet the Department took more than three weeks to process it. This delay prompted the Department not to call Petitioner for the interview as scheduled on October 1, 2019 and for Petitioner to submit the two missing pages on the last day of her benefit period. Petitioner admits that she received the Notice of Missed Appointment which advised her that if she does not reschedule the interview and return the redetermination packet prior to the interview, her benefits would close effective October 31, 2019. A review of the record shows that Petitioner did not take any immediate action. Instead, Petitioner waited until the Department contacted her via voicemail about the missing pages to follow up. At that point, Petitioner sent her daughter to the Department office with the missing pages. On November 1, 2019, the day after receiving the missing pages, the Department called Petitioner for the interview, but the call went straight to voicemail. On November 6, 2019 and November 15, 2019, the Department made repeated attempts to contact the Department for the interview and each time it went straight to voicemail so additional voicemails were left. On November 22, 2019, Petitioner's caseworker received a message through Mi-Bridges and another letter from Petitioner; the caseworker again attempted to call Petitioner when the call went straight to voicemail and a voicemail was left. On the same day, the caseworker's supervisor mailed a Quick Note to Petitioner advising of all attempts to contact Petitioner including her own. On December 2, 2019, the Department received a call from Petitioner which was returned on December 3, 2019 but again, the call went straight to voicemail and a Quick Note was issued to Petitioner advising her of the additional attempt. Finally, on December 3, 2019, the Department received Petitioner's request for hearing.

Given the Department's numerous attempts to rectify the situation and Petitioner's receipt of the Notice of Missed Interview letter, the obligation was on Petitioner to ensure that the interview was completed. Petitioner should have gone to the local office or sent her daughter as soon as she received the Notice of Missed Interview. She also should have visited the local office after she received the first Quick Note indicating the Department's numerous attempts to reach her as telephone communication between her and the Department was failing. Since Petitioner failed to complete the Redetermination process which included the interview, the Department properly closed and then maintained the closure of her FAP benefits.

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 benefits failure to complete the Redetermination process.

**DECISION AND ORDER**

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



AMTM/jaf

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**Amanda M. T. Marler**  
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**

Sharnita Grant  
MDHHS-[REDACTED]-Hearings  
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**Petitioner**

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