



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

SHELLY EDGERTON  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED]

Date Mailed: September 5, 2018  
MAHS Docket No.: 18-007459  
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 21, 2018, from Lansing, Michigan. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Gregory Folsom, Hearings Facilitator. During the hearing, 29 pages of documents were offered and admitted as Exhibit A, pp. 1-29.

**ISSUE**

Did the Department of Health and Human Services (Department) properly close the Petitioner's Food Assistance Program (FAP) benefits?

**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 May 4, 2018, the Department sent Petitioner a Redetermination (DHS-1010) with a June 4, 2018, due date. Exhibit A, pages 2-12.
3. On June 4, 2018, the Department sent the Petitioner a Notice of Missed Interview (DHS-254) informing her that it was her responsibility to reschedule her redetermination interview and that failure to provide the required information by June 30, 2018, would result in a closure of her FAP case. Exhibit A, page 13.

4. Petitioner did not return the Redetermination or reschedule the interview by June 30, 2018, and Petitioner's FAP case was closed.
5. On [REDACTED], 2018, the Department received the Petitioner's request for a hearing protesting 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 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.

Clients must cooperate with the local office in determining initial and ongoing eligibility and this includes the completion of necessary forms. BAM 105 (January 1, 2018), p. 9.

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. The Department uses documents, collateral contacts, or home calls to verify information. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. When documentation is not available, or clarification is needed, collateral contact may be necessary. BAM 130 (April 1, 2017), pp. 1-10.

If a FAP recipient missed a redetermination interview, the Department will send a Notice of Missed Interview (DHS-254). If a redetermination interview is not completed, the Department will close FAP benefits without sending a Notice of Case Action (DHS-1605). BAM 210 (January 1, 2018), pp. 3-16.

Petitioner was an ongoing FAP recipient when the Department initiated a routine review of her eligibility to receive continuing benefits by sending her a Redetermination (DHS-1010) form with a June 4, 2018, due date. The Redetermination also informed Petitioner that she had a telephone interview on June 4, 2018. The Department did not receive the completed Redetermination form from Petitioner, so the scheduled interview could not take place. As a result, on June 4, 2018, the Department sent Petitioner a Notice of Missed Interview (DHS-254). This form instructed Petitioner that it was her responsibility to reschedule her interview to take place by June 30, 2018 to prevent her

FAP case from closing effective July 1, 2018. Petitioner failed to reschedule the interview or return the Redetermination. The Department closed Petitioner's FAP case, effective July 1, 2018. On [REDACTED], 2018, Petitioner filed a hearing request contesting the closure of her FAP case and a new application for FAP benefits. The Department followed policy by closing Petitioner's FAP case for failing to return the Redetermination.

Reinstatement restores a closed program to active status without completion of a new application. Closed programs may be reinstated when a client has complied with program requirements before the negative action date. BAM 205 (January 1, 2018), p. 1.

In this case, Petitioner failed to return the Redetermination to the Department prior to the negative action date of July 1, 2018. In fact, it appears that Petitioner never returned the Redetermination. Thus, the Department acted properly in not reinstating Petitioner's FAP benefits 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 closed Petitioner's FAP case effective July 1, 2018.

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



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**John Markey**  
Administrative Law Judge  
for Nick Lyon, Director  
Department of Health and Human Services

JM/dh

