



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: August 31, 2018
MAHS Docket No.: 18-007721
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

Following Petitioner's July 23, 2018, hearing request, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9, 7 CFR 273.15, and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on August 29, 2018, from Lansing, Michigan. Petitioner, [REDACTED] appeared and represented herself. Petitioner did not have any additional witnesses. Carvin Wright, Eligibility Specialist, and Candace Baker, Family Independence Manager, appeared for the Department. The Department did not have any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 23-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Did the Department properly determine 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. On June 30, 2018, the Department issued a Redetermination to obtain information from Petitioner to review her eligibility for FAP benefits. The Department also issued a notice of telephone interview which notified Petitioner that she was scheduled to complete an interview by phone on July 17, 2018.
2. On July 17, 2018, Petitioner did not appear for her scheduled telephone interview. The Department issued two notices to Petitioner. One Notice notified Petitioner that she had missed an interview to redetermine her FAP benefits, and

the other notice notified Petitioner that she had a new interview scheduled for July 24, 2018.

3. On July 23, 2018, Petitioner submitted a written response to the Department in which Petitioner notified the Department that she cannot do a phone interview and that she needs to meet in person on any day other than Tuesday or Thursday. Petitioner requested a hearing.
4. On July 24, 2018, Petitioner did not appear for her scheduled interview. The Department issued another notice to Petitioner to notify her that she had missed her interview. The notice advised Petitioner, "it is now your responsibility to reschedule the interview before July 31, 2018 or your application/redetermination will be denied." The Department also sent a notice to notify Petitioner that she had a new interview scheduled for July 30, 2018.
5. On July 30, 2018, Petitioner did not appear for her scheduled interview.
6. On August 1, 2018, Petitioner's FAP benefits were terminated for her failure to complete her interview before the end of her benefit period.

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 Michigan Department of Health & Human Services (MDHHS) must periodically redetermine or renew an individual's eligibility for active programs. BAM 210 (January 1, 2018), p. 1. The redetermination/renewal process includes thorough review of all eligibility factors. BAM 210, p. 1. A complete redetermination/renewal is required at least every 12 months. BAM 210, p. 2. Benefits stop at the end of the benefit period unless a redetermination is completed, and a new benefit period is certified. BAM 210, p. 2. A group who fails to participate in a scheduled interview loses its right to uninterrupted FAP benefits. BAM 210, p. 21.

Here, the Department attempted to get Petitioner to complete the redetermination/renewal process for her FAP benefits by July 31, 2018, but Petitioner failed to do so because she failed to appear for her scheduled interviews before the end

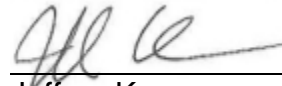
of her benefit period. As a result, the Department was unable to complete its redetermination before the end of Petitioner's benefit period. Since the Department was unable to complete a redetermination before the end of Petitioner's benefit period, the Department terminated Petitioner's FAP benefits at the end of her benefit period. The Department's actions were in accordance with BAM 210.

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 did act in accordance with its policies and the applicable law when it terminated Petitioner's FAP benefits.

IT IS ORDERED the Department's decision is AFFIRMED.

JK/nr



Jeffrey Kemm
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

Tiffany Flemings
22 Center Street
Ypsilanti, MI
48198

Washtenaw County DHHS- via electronic
mail

BSC4- via electronic mail

M. Holden- via electronic mail

D. Sweeney- via electronic mail

Petitioner

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