



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: December 27, 2018
MAHS Docket No.: 18-012155
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 December 20, 2018, from Lansing, Michigan. Petitioner appeared and represented himself. The Department of Health and Human Services (Department) was represented by Lashaun Johnson, Lead Worker. During the hearing, a 15-page packet of documents was offered and admitted as Exhibit A, pp. 1-15.

ISSUE

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

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 September 4, 2018, the Department sent Petitioner a Redetermination (DHS-1010) with an October 1, 2018, due date. The form also informed Petitioner that he had a scheduled telephone interview for October 1, 2018. Exhibit A, pp. 2-10.
3. On October 1, 2018, the Department sent the Petitioner a Notice of Missed Interview (DHS-254) informing him that it was his responsibility to reschedule his

redetermination interview and that failure to provide the required information by October 31, 2018, would result in a closure of his FAP case. Exhibit A, p. 14.

4. Petitioner did not return the Redetermination or reschedule the interview by October 31, 2018, and Petitioner's FAP case was closed, effective November 1, 2018.
5. On [REDACTED], 2018, the Department received the Petitioner's request for a hearing protesting the closure of his FAP benefits 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 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 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 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 2018), pp. 3-16.

Petitioner was an ongoing FAP recipient when the Department initiated a routine review of his eligibility to receive continuing benefits by sending her a Redetermination (DHS-1010) form with an October 1, 2018, due date. The Redetermination also informed Petitioner that he had a telephone interview on October 1, 2018. The Department did not receive the completed Redetermination form from Petitioner, so the

scheduled interview could not take place. As a result, on October 1, 2018, the Department sent Petitioner a Notice of Missed Interview (DHS-254). This form instructed Petitioner that it was his responsibility to reschedule his interview to take place by October 31, 2018, to prevent his FAP case from closing effective November 1, 2018. Petitioner failed to reschedule the interview or return the Redetermination. The Department closed Petitioner's FAP case, effective November 1, 2018. On [REDACTED] 2018, Petitioner filed a hearing request contesting the closure of his 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 2018), p. 1.

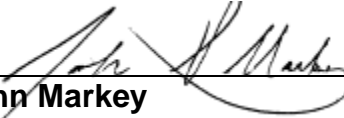
In this case, Petitioner failed to return the Redetermination to the Department prior to the negative action date of November 1, 2018. In fact, it appears that Petitioner never returned the Redetermination. Thus, the Department acted properly in not reinstating Petitioner's FAP benefits case.

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 November 1, 2018.

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

Jeanette Cowens
2524 Clark Street
Detroit, MI 48209

Wayne County (District 41), DHHS

BSC4 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

Petitioner

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