



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: February 15, 2019
MAHS Docket No.: 19-000268
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 February 7, 2019, from Lansing, Michigan. The Petitioner was represented by herself, and her son, guardian, and authorized hearing representative, [REDACTED]. The Department of Health and Human Services (Department) was represented by Gregory Folton, Hearing Facilitator.

ISSUE

Did the Department properly determine Petitioner's eligibility for 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 a recipient of FAP benefits with a redetermination due on December 2018.
2. On November 5, 2018, the Department Caseworker sent Petitioner a Redetermination Application, DHS-1010, for a telephone interview on December 5, 2018 for a phone call between 12:00 p.m. and 2:00 p.m. Department Exhibit 1, pgs. 3-10.
3. On December 5, 2018, the Department Caseworker sent Petitioner a Notice of Missed Interview, DHS-254, for Petitioner to call and reschedule telephone

interview before December 31, 2018 or her redetermination for FAP would be denied. Department Exhibit 1, pg. 20.

4. On December 28, 2018, the Department Caseworker sent Petitioner a Notice of Case Action, DHS-1605, that her FAP benefits were closed effective January 1, 2019, due not meeting interview requirements for yearly redetermination. Department Exhibit 1, pgs. 26-29.
5. On January 4, 7, and 14, 2019, the Department received a hearing requests from Petitioner, contesting the Department's negative action.

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, the Petitioner was a recipient of FAP benefits with a redetermination due in December 2018. Petitioner never completed her telephone interview, which resulted in her FAP benefits closing in December 2018. During the hearing, her son, guardian, and authorized representative stated that a third party that was assisting them with the FAP redetermination and gave the Department the wrong address. However, the Department used the information that was given to them and followed policy and procedures in determining Petitioner's eligibility for FAP. The telephone interview was not completed for Petitioner by December 31, 2018, and her FAP benefits closed effective January 1, 2019. Petitioner is eligible to reapply for FAP benefits. BAM 210 and 600. BEM 165, 169, 265, 400, and 503.

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 the Petitioner's FAP case because her telephone interview was not completed by the due date.

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

CF/hb



Carmen G. Fahie
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 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

Mark Epps
4809 Clio Road
Flint, MI 48504

Genesee County (Union), DHHS

BSC2 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

Authorized Hearing Rep.

[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]

Petitioner

[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]