



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

[REDACTED]

Date Mailed: October 21, 2020  
MOAHR Docket No.: 20-005743  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Zainab A. Baydoun**

### **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 October 15, 2020, from Detroit, Michigan. Petitioner appeared for the hearing with his Authorized Hearing Representative (AHR) [REDACTED]. A representative from the Department of Health and Human Services (Department) did not appear for the hearing and it was held in the absence of the Department.

### **ISSUE**

Did the Department properly close Petitioner's Food Assistance Program (FAP) 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 recipient of FAP benefits.
2. The Department closed Petitioner's FAP case effective July 31, 2020 because he failed to return a redetermination.
3. On or around [REDACTED] 2020, Petitioner requested a hearing disputing the Department's closure of his FAP case and asserting that he did not receive a redetermination form to complete and return. (Exhibit A, pp. 27-33)

## **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 Department was not present for the hearing and thus, did not present any evidence in support of the closure of Petitioner's FAP case. At the hearing, the undersigned read the Hearing Summary prepared by the Department in response to Petitioner's request for hearing into the hearing record. According to the Hearing Summary, the Department sent Petitioner a redetermination for his FAP case that was to be returned by July 2, 2020. The Hearing Summary states that Petitioner failed to return the redetermination, so the Department then sent Petitioner a Notice of Missed Interview on July 2, 2020 and the FAP certification period automatically ended on July 31, 2020, closing Petitioner's FAP case.

The Department must periodically redetermine or renew an individual's eligibility for active programs. The redetermination/renewal process includes a thorough review of all eligibility factors. Redetermination, renewal, semi-annual and mid-certification forms are often used to redetermine eligibility of active programs. BAM 210 (July 2020), p. 1. If a FAP client does not begin the redetermination process, the Department will allow the benefit period to expire. The redetermination process begins when the client files a: MDHHS-1171 Assistance Application; DHS-1010 Redetermination; DHS-1171, Filing Form; or DHS-2063B, Food Assistance Benefits Redetermination Filing Record. BAM 210, p. 3.

A FAP client must also complete an interview. If the client misses the interview, Bridges sends a DHS-254, Notice of Missed Interview. BAM 210, pp. 5-7. Before the Department proceeds with the FAP interview, it must receive the completed redetermination packet from the client. For FAP cases, benefits stop at the end of the benefit period unless a redetermination is completed, verifications received, and a new benefit period is certified. BAM 210, pp. 2-5. If the redetermination packet is not logged in by the last working day of the redetermination month, Bridges will automatically close the FAP case without sending a Notice of Case Action. BAM 210, p.13.

At the hearing, Petitioner's AHR testified that Petitioner did not receive the redetermination form which is why he did not complete and return the packet to the

Department. Petitioner's AHR testified that Petitioner received the Notice of Missed Interview on or around July 20, 2020 and made several attempts to call Petitioner's case worker and case worker's supervisor to have the interview rescheduled before July 31, 2020 and to inform the Department that Petitioner had not received the redetermination packet. After receiving the Notice of Missed Interview, Petitioner's AHR stated that she checked Petitioner's online account through MiBridges and did not see a redetermination packet. Petitioner's AHR presented what she asserted were call logs verifying attempts to contact the Department to reschedule the interview and complete the redetermination. Petitioner's AHR testified that neither the case worker nor the supervisor returned any of the calls.

It is further noted that the Hearing Summary indicates Petitioner had an Authorized Representative (AR) assigned to his case as he does not speak or understand English well. No evidence was presented that the redetermination was sent to Petitioner's AR for completion either. The Department was not present for the hearing and thus, did not rebut any of the evidence presented by Petitioner.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it closed Petitioner's FAP case effective July 31, 2020 for failing to return a redetermination.


**DECISION AND ORDER**

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reinstate Petitioner's FAP case effective July 31, 2020 and process Petitioner's redetermination to determine his eligibility for ongoing FAP benefits from July 31, 2020, ongoing;
2. Issue FAP supplements to Petitioner for any FAP benefits he was entitled to receive but did not from July 31, 2020, ongoing; and
3. Notify Petitioner and his AHR of its decision in writing.

ZB/jem

  
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**Zainab A. Baydoun**  
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

**Via Email:**

MDHHS-Oakland-District II-Hearings  
BSC4-HearingDecisions  
M. Holden  
D. Sweeney  
MOAHR

**Authorized Hearing Rep. – Via USPS:**

Lana Voldman  
15075 Lincoln St  
Oak Park, MI 48237

**Petitioner – Via USPS:**

