



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: November 20, 2020
MOAHR Docket No.: 20-006418
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler

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 November 19, 2020. The Petitioner was self-represented. The Department of Health and Human Services (Department) failed to appear for the hearing.

ISSUE

Did the 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. Around [REDACTED] 2020, Petitioner submitted a completed Redetermination and verification of income and assets to the Department.
2. Around this same time, Petitioner was using an alternate phone number because her phone was broken but she did not provide the alternate phone number to the Department.
3. The Department contacted Petitioner by phone on September 1st, 10th, 14th, 17th, 21st, 23rd, and 29th of 2020 in an effort to complete the Redetermination interview, leaving a message each time.

4. Petitioner called the Department regarding the FAP Redetermination interview on September 10th.
5. At some point, the Department issued notice to Petitioner that her FAP case would close for failure to complete the Redetermination process.
6. On September 28, 2020, the Department received Petitioner's request for hearing disputing the closure of her FAP benefits and noting that she had been playing phone tag with the Department.

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, Petitioner disputes the Department's closure of her FAP benefits for failure to complete the Redetermination process. The Department is required to periodically review and redetermine a client's FAP eligibility. BAM 210 (July 2020), p. 1. A complete redetermination is required at least every 12 months. BAM 210, p. 3. Benefits stop at the end of the benefit period unless a redetermination is completed, and a new benefit period is certified. BAM 210, pp. 3, 21.

Petitioner does not dispute that she did not timely complete the Redetermination process because her regular phone was not operational, and she was playing phone tag with the Department. Since Petitioner did not complete the interview, the Department properly closed Petitioner's FAP case.

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.

DECISION AND ORDER

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

AMTM/cc



Amanda M. T. Marler
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

DHHS

MDHHS-Wayne-31-Grandmont-Hearings
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MOAHR

Petitioner- Via USPS:

