



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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

Date Mailed: February 18, 2021
MOAHR Docket No.: 20-006463
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 January 27, 2021. [REDACTED] the Petitioner, appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Richard Merrill, Assistance Payments Supervisor (AP Supervisor).

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 had an ongoing FAP case in Monroe County.
2. On June 4, 2020, a Redetermination form was mailed to Petitioner with a due date of July 1, 2020 to return the completed form and appointment date of July 1, 2020, for the telephone interview. Petitioner was advised that benefits may expire or be cancelled/reduced if she did not keep the appointment, return the completed form, and return all required proofs. (Exhibit A, pp. 8-21)
3. On June 4, 2020, a Redetermination Telephone Interview was sent to Petitioner stating an interview was scheduled for July 1, 2020. Petitioner was advised that the Department must have the completed redetermination form in order to complete the interview. Further, failure to return the completed redetermination form, required proofs, and participate in an interview may result in benefits being reduced or cancelled. (Exhibit A, pp. 6-7)

4. On June 4, 2020, a Food Assistance Benefits Redetermination Filing Record was sent to Petitioner advising that her FAP benefit period would end on July 31, 2020. Petitioner was advised that she must reapply and complete all the processing steps in order to receive uninterrupted benefits. To reapply, Petitioner was to complete this filing record and the redetermination form, and be interviewed. (Exhibit A, pp. 22-25)
5. On June 25, 2020, an Appointment Notice was sent to Petitioner informing her that the FAP redetermination interview was re-scheduled for July 8, 2020. (Exhibit A, pp. 26-27)
6. Petitioner's Redetermination form was not received as of July 8, 2020. (Exhibit A, p. 29)
7. On July 8, 2020, a Notice of Missed Interview was sent to Petitioner stating Petitioner missed her scheduled interview and/or failed to return the redetermination packet prior to the interview. Petitioner was advised that it was now her responsibility to reschedule the interview and/or return the redetermination packet if applicable before July 31, 2020 or her application/redetermination would be denied. (Exhibit A, p. 28)
8. On July 16, 2020, Petitioner notified the Department that she moved to ██████████ County, therefore, Petitioner's FAP case was transferred to ██████████ County. (Exhibit A, pp. 1 and 29; Petitioner Testimony)
9. On July 21, 2020 and July 24, 2020, Petitioner called the Department and left a message asking for her worker to call her, reporting being at a shelter, and requesting that a shelter verification form be sent to her. The worker returned the calls but there was no answer at the number Petitioner gave. A shelter verification form was sent to Petitioner. (Exhibit A, p. 29)
10. On July 31, 2020, Petitioner's FAP case closed because the redetermination was not completed. (Exhibit A, p. 1)
11. On October 1, 2020, Petitioner verbally requested a hearing contesting the FAP closure. (Exhibit A, pp. 1 and 3)

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. The redetermination/renewal process includes thorough review of all eligibility factors. BAM 210, July 1, 2020, p. 1. If the redetermination packet is not logged in by the last working day of the redetermination month, Bridges automatically closes the EDG. A DHS-1605 [Notice of Case Action] is not generated. BAM 210, p. 13.

In this case, the redetermination packet was mailed to Petitioner on June 4, 2020. The Redetermination form mailed to Petitioner showed a due date of July 1, 2020 to return the completed form and appointment date of July 1, 2020, for the telephone interview. Petitioner was advised that benefits may expire or be cancelled/reduced if she did not keep the appointment, return the completed form, and return all required proofs. (Exhibit A, pp. 8-21) The Redetermination Telephone Interview sent to Petitioner stated an interview was scheduled for July 1, 2020. Petitioner was advised that the Department must have the completed redetermination form in order to complete the interview. Further, failure to return the completed redetermination form, required proofs, and participate in an interview may result in benefits being reduced or cancelled. (Exhibit A, pp. 6-7) The Food Assistance Benefits Redetermination Filing Record sent to Petitioner stated that her FAP benefit period would end on July 31, 2020. Petitioner was advised that she must reapply and complete all the processing steps in order to receive uninterrupted benefits. To reapply, Petitioner was to complete this filing record and the redetermination form, and be interviewed. (Exhibit A, pp. 22-25)

On June 25, 2020, an Appointment Notice was sent to Petitioner informing her that the FAP redetermination interview was re-scheduled for July 8, 2020. (Exhibit A, pp. 26-27)

Petitioner's Redetermination form was not received as of July 8, 2020. (Exhibit A, p. 29) Accordingly, on July 8, 2020, a Notice of Missed Interview was sent to Petitioner stating Petitioner missed her scheduled interview and/or failed to return the redetermination packet prior to the interview. Petitioner was advised that it was now her responsibility to reschedule the interview and/or return the redetermination packet if applicable before July 31, 2020 or her application/redetermination would be denied. (Exhibit A, p. 28)

On July 16, 2020, Petitioner notified the Department that she moved to ██████████ County, therefore, Petitioner's FAP case was transferred to ██████████ County. The ██████████ County office explained to Petitioner that because she was already in the new county, Petitioner would have to work with the ██████████ County office, and they could not do anything further with her case. (Exhibit A, pp. 1 and 29; Petitioner Testimony)

On July 21, 2020 and July 24, 2020, Petitioner called the Department and left a message asking for her worker to call her, reporting being at a shelter, and requesting that a shelter verification form be sent to her. The worker returned the calls but there

was no answer at the number Petitioner gave. A shelter verification form was sent to Petitioner. (Exhibit A, p. 29)

On July 31, 2020, Petitioner's FAP case closed because the redetermination was not completed. (Exhibit A, p. 1)

Petitioner confirmed that the address the Redetermination packet was sent to on June 4, 2020, was her mailing address at that time. However, at that time Petitioner had not been over there to pick up her mail. Therefore, Petitioner did not know about the Redetermination. (Petitioner Testimony)

Petitioner testified about further contacts with the Department in the new county, which were consistent with the case comment notes from [REDACTED] and [REDACTED] 2020. (Exhibit A, p. 29; Petitioner Testimony) However, as these further contacts occurred after [REDACTED] 2020, they are not relevant to the case closure action at issue in this case.

Overall, the evidence supports the closure of Petitioner's FAP case. Petitioner's FAP case was due for redetermination before the end of July 2020. Pursuant to the BAM 210 policy, if the redetermination packet is not received by the end of the redetermination month, the case automatically closes. On June 4, 2020, the Department sent the redetermination packet to the mailing address Petitioner had provided to the Department. Petitioner did not return the required redetermination form by the end of July 2020. Therefore, the closure of Petitioner's FAP case must be upheld.

If she has not already done so, Petitioner may wish to reapply for FAP.

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**.

CL/ml



Colleen Lack
Administrative Law Judge
for Elizabeth Hertel, 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

Courtney Jenkins
Washtenaw County DHHS – via electronic
mail

BSC4 – via electronic mail

M. Holden – via electronic mail

D. Sweeney – via electronic mail

Petitioner

██████████ – via first class mail

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