



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: December 23, 2020
MOAHR Docket No.: 20-006884
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 December 17, 2020. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by Lori Turner, Assistance Payments Worker.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) benefits in July 2020?

Did the Department properly deny Petitioner's October 2020 Application for FAP?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On June 4, 2020, the Department issued a Redetermination to Petitioner which was due in July 2020.
2. As of July 9, 2020, the Department had not received Petitioner's completed Redetermination; therefore, no interview was held.
3. Petitioner was advised that she had until August 1, 2020 to reschedule her Redetermination interview otherwise her FAP case would close.
4. Petitioner did not reschedule her FAP interview or submit her Redetermination to the Department in July 2020.

5. Petitioner's FAP case was closed effective July 31, 2020.
6. In September 2020, Petitioner submitted her Redetermination.
7. On [REDACTED], 2020, the Department received Petitioner's Application for FAP and MA benefits but it did not list a phone number or email address.
8. On October 13, 2020, the Department mailed an Appointment Notice to Petitioner indicating she was scheduled for an appointment on October 20, 2020 at 2:30 PM and that Petitioner should call Ms. Hammon (Case Worker) at this time to complete her phone interview for FAP; Case Worker's phone number was listed in the top right hand corner of the document.
9. On October 13, 2020, the Department also issued a Verification Checklist (VCL) for proof of residential address, self-employment income, and employment income by October 23, 2020.
10. The Department did not receive any of the required proofs from Petitioner nor did she complete the phone interview in October 2020.
11. On October 27, 2020, Petitioner submitted a request for hearing disputing the Department's repeated closure and/or denial of her FAP benefits.
12. On November 12, 2020, the Department issued a Notice of Case Action to Petitioner denying her October 2020 Application.

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 closed Petitioner's FAP case in July 2020 for failure to complete the Redetermination process and ultimately denied her FAP Application for failure to complete the Application process.

At Application and at Redetermination, FAP clients are expected to complete an Interview. BAM 115 (July 2020), pp. 17-18; BAM 210 (July 2020), p. 5. At Application, benefits cannot be denied if the client has failed to participate in the scheduled interview

until the 30th day after the application date even if all verifications have been returned to the Department. BAM 115, p. 19. At Redetermination, if the group fails to return the completed Redetermination by the filing date, complete the scheduled interview, or submit verifications timely, then the group loses their right to uninterrupted FAP benefits. BAM 21, p. 21. When the Redetermination is not received by the end of the Redetermination month, the FAP case automatically closes. BAM 210, p. 13.

Petitioner admits that she did not submit the Redetermination or complete the interview process in July 2020 and that instead she submitted the Redetermination in September 2020. Petitioner further admits that she did not complete the interview process after her Application in October 2020. Therefore, the Department's closure of her FAP benefits in July 2020 and denial of her October 2020 FAP application were in accordance with Department policy.

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 in July 2020 and denied her October 2020 Application for FAP.

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

Via Email:

MDHHS-Wayne-17-Hearings
BSC4-HearingDecisions
M. Holden
D. Sweeney
MOAHR

Petitioner- Via USPS:

