



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

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Date Mailed: June 21, 2022  
MOAHR Docket No.: 22-002109  
Agency No.: ██████████  
Petitioner: ██████████

**ADMINISTRATIVE LAW JUDGE: Ellen McLemore**

**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 June 16, 2022, from Detroit, Michigan. Petitioner was present and represented herself. The Department of Health and Human Services (Department) was represented by Olivette Gordon, Family Independence Manager and Sharmaine Gillis-Baytops, Eligibility Specialist.

**ISSUE**

Did the Department properly close Petitioner's Food Assistance Program (FAP) benefit 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 FAP recipient.
2. On March 4, 2022, the Department sent Petitioner a redetermination packet, with a due date of March 24, 2022. The redetermination also advised Petitioner that she had an interview scheduled on April 1, 2022.
3. On April 1, 2022, the Department sent Petitioner a Notice of Missed Appointment (Exhibit A, p. 6).
4. On April 28, 2022, Petitioner submitted the completed redetermination packet (Exhibit A, pp. 8-12).
5. Effective ██████████, 2022, Petitioner's FAP benefit case closed.

6. On May 20, 2022, the Department contacted Petitioner to complete an interview.
7. Petitioner submitted a request for hearing related to her Food Assistance Program (FAP) and Medical Assistance (MA) benefit cases.

### **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).

#### **FAP**

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 was an ongoing FAP recipient. On March 4, 2022, the Department sent Petitioner an annual redetermination packet, which was due on March 24, 2022. Petitioner was advised that she had an interview scheduled on April 1, 2022, related to the redetermination. The Department did not receive the redetermination from Petitioner by April 1, 2022. As a result, Petitioner was not contacted for her scheduled interview on April 1, 2022.

When completing an application or redetermination for FAP benefits, the Department will conduct an interview before approving benefits. BAM 115 (January 2018), p. 21. If the group is ineligible or refuses to cooperate in the application process, the Department will certify a denial. BAM 115, p. 25.

The Department testified that it received Petitioner's redetermination on April 28, 2022. On May 20, 2022, the Department contacted Petitioner to complete her redetermination interview. The Department stated that Petitioner refused to answer the questions and was extremely irate. Petitioner conceded that she refused to complete the interview. Petitioner testified that she had a conflict of interest with her worker but would not provide detail as to the conflict.

An interview is required to approve FAP benefits. If a client refuses to participate in the interview process, the Department will certify the denial. Petitioner conceded that she refused to complete the interview. Therefore, the Department acted in accordance with policy when it allowed Petitioner's FAP benefit case to close.

**MA**

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

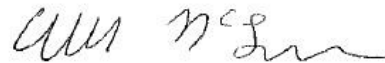
In the present case, Petitioner requested a hearing, in part, alleging that the Department closed her Medical Assistance (MA) benefit case. However, the Department presented evidence that Petitioner had active MA benefits.

Per Department policy, the Michigan Office of Administrative Hearings and Rules may grant a hearing about any of the following: (i) denial of an application and/or supplemental payments; (ii) reduction in the amount of program benefits or service; (iii) suspension or termination of program benefits or service; (iv) restrictions under which benefits or services are provided; (v) delay of any action beyond standards of promptness; or (vi) for FAP only, the current level of benefits or denial of expedited service. BAM 600 (April 2018), p. 5. As none of the previous conditions apply to Petitioner's MA benefit case, it is found Petitioner's request for hearing is moot and there is no justiciable issue. As such, the hearing request, therefore, **DISMISSED** for lack of jurisdiction.

**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 Petitioner's FAP benefit case. Accordingly, the Department's decision is **AFFIRMED**.

Petitioner's request for hearing related to her MA benefit case is **DISMISSED**.



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**Ellen McLemore**  
Administrative Law Judge

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**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

**Email Recipients:**

MDHHS-Wayne-57-Hearings  
M. Holden  
D. Sweeney  
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MOAHR

**First-Class Mail Recipient:**

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