



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR



Date Mailed: June 29, 2022
MOAHR Docket No.: 22-002332
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 June 27, 2022. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by Michelle Collins, Eligibility Specialist and Hearings Facilitator.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) benefits and then deny her FAP application?

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 January 4, 2022, the Department mailed a FAP Redetermination to Petitioner which was due to be completed and returned to the Department by January 24, 2022.
2. Petitioner contacted her caseworker and asked for assistance in completing her Redetermination.
3. Petitioner has difficulties with reading comprehension.
4. On February 1, 2022, Petitioner was supposed to complete a Redetermination interview, but because the Department had not received the completed form, the Department did not contact Petitioner to conduct the interview.
5. On the same day, the Department issued a Notice of Missed Appointment.

6. On February 10, 2022, the Department received verification of Petitioner's lease and social security card.
7. On March 1, 2022, Petitioner's FAP case was closed for failure to complete the Redetermination process.
8. On March 16, 2022 and March 28, 2022, Petitioner spoke with her case worker about her FAP closure but was advised that she had not submitted the form and needed to complete a new application.
9. On [REDACTED] 2022, the Department received Petitioner's completed application.
10. On April 18, 2022, the Department made two phone calls to Petitioner but was not able to reach her or leave a voicemail.
11. On the same day, the Department issued an Appointment Notice to Petitioner advising her that she was scheduled for an appointment on April 26, 2022 at 9:00 AM and that the Department would contact her by phone.
12. On April 26, 2022, Petitioner received a call at 8:00 AM instead of 9:00 AM but did not answer it. She attempted to call the Department back at 10:00 AM but was unable to reach her caseworker or a supervisor.
13. On May 24, 2022, the Department received Petitioner's request for hearing disputing the closure of her FAP benefits and denial of her FAP 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, Petitioner's FAP case was closed for failure to complete the redetermination process and then her application was denied for failure to complete the application interview.

A complete redetermination is required at least every 12 months. BAM 210 (November 2021), p. 3. Benefits stop at the end of the benefit period unless a redetermination is

completed, and a new benefit period is certified. *Id.* If the client does not begin the redetermination process, the benefit period expires. *Id.* The process begins when the client files an Assistance Application and Supplement-Food Assistance Program form, a Redetermination, a filing form, or a Food Assistance Benefits Redetermination Filing Record. *Id.* Interviews are required as part of the FAP redetermination process and can be completed by phone. BAM 210, pp. 5-6. Redetermination interviews can be conducted by phone and if the client misses the interview, a Notice of Missed Interview is mailed to the client. BAM 210, p. 6. Policy also provides that the client shall receive uninterrupted benefits if the client provides the Department with a Redetermination, Assistance Application, or Food Assistance Benefits Redetermination Filing Record DHS-2063-B by the 15th of the redetermination month. BAM 210, pp. 15-16. However, if the Redetermination packet described above is not received and logged by the Department by the last working day of the redetermination month, Bridges automatically closes the case. BAM 210, p. 13. Finally, the local office must assist clients who ask for help in completing forms, gathering verifications, and/or understanding written correspondent sent from the Department. BAM 105 (October 2021), p. 15.

In January 2022, Petitioner asked her case worker for assistance in completing her redetermination but was denied assistance by the case worker and was instead told that she needed to submit the form and then the interview would be held. Petitioner continued to contact the office and attempted to complete the redetermination process when she submitted verifications and made other calls. But ultimately, the Department did not assist Petitioner and only advised her that she needed to submit a new application even though she was still within the allowed period for subsequent processing. BAM 210, p. 22. Therefore, the Department did not act in accordance with Department policy when it closed Petitioner's FAP case for failure to complete the redetermination process.

Turning to the denial of Petitioner's application, Petitioner did not complete the application interview which is what prompted the Department to deny her application. Interviews are used to explain program requirements and gather information to determine eligibility. BAM 115 (July 2021), p. 17. Interviews are required in FAP cases. BAM 115, p. 19. FAP applications should not be denied for failure to complete the interview until the 30th day after the application date. *Id.* If a client misses an interview, the Department is required to send a Notice of Missed Interview advising the client it is their responsibility to reschedule the appointment. BAM 115, p. 24. If a client fails to reschedule or misses the rescheduled interview, the application is denied on the 30th day. *Id.* As noted above, policy requires that the Department is required to assist clients when requested. BAM 105, p. 15.

Petitioner credibly testified that the Department contacted her on the day of the scheduled interview one hour prior to the scheduled appointment time and that she also made attempts to contact her caseworker as well as the supervisor later that day and on subsequent days without success. Since Petitioner attempted to reschedule her interview but was unable to do so through no fault of her own, the Department did not properly deny Petitioner's application for benefits.

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 did not act in accordance with Department policy when it closed Petitioner's FAP case for failure to complete the Redetermination process or when it denied Petitioner's FAP application.

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. Reprocess Petitioner's redetermination which prompted the closure effective March 1, 2022;
2. If otherwise eligible, issue supplements to Petitioner for benefits not previously received effective March 1, 2022;
3. If not eligible for benefits based upon the redetermination, reprocess Petitioner's [REDACTED] 2022 application for benefits;
4. If otherwise eligible, issue supplements to Petitioner for benefits not previously received effective as of her application date; and,
5. Notify Petitioner in writing of its decision.

AMTM/cc



Amanda M. T. Marler
Administrative Law Judge

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-Electronic Mail :

Interested Parties

MDHHS-Wayne-55-Hearings
BSC4-HearingDecisions
D. Sweeney
M. Holden
MOAHR

Via-First Class Mail :

Petitioner

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