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GOVERNOR

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

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ACTING DIRECTOR

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Date Mailed: October 17, 2023
MOAHR Docket No.: 23-005462
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Danielle Nuccio

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 October 11, 2023. Petitioner appeared and represented herself. The Department of Health and Human Services (MDHHS) was represented by Danielle Moton, Assistant Payments Worker.

ISSUE

Did MDHHS properly close Petitioner's Food Assistance Program (FAP) case for failure to complete the redetermination interview?

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 recipient of FAP for a group size of five.
2. Petitioner timely submitted her redetermination of FAP benefits forms to MDHHS. At the bottom of the redetermination form was a notice that an interview was required to be completed between Petitioner and MDHHS. The interview was scheduled for June 5, 2023, between 10:30 AM and 12:30 PM (Exhibit A, pp. 8-15).

3. On June 5, 2023, MDHHS called Petitioner and left a message for her to return their call. Petitioner called MDHHS to reschedule the interview for June 7, 2023, at 2:00 PM. No interview was completed on this date (Exhibit A, p. 16).
4. On June 7, 2023, MDHHS called Petitioner at 2:06 PM and left a message for Petitioner to return their call. MDHHS called Petitioner again at 2:16 PM. No interview was completed on this date (Exhibit A, p. 16).
5. On June 5, 2023, MDHHS issued a Notice of Missed Appointment to Petitioner, informing her that she missed the redetermination interview and must contact MDHHS to reschedule it before July 31, 2023, or face closure of her FAP case (Exhibit A, p. 20).
6. On June 7, 2023, MDHHS issued a Notice of Missed Appointment to Petitioner, informing her that she missed the redetermination interview and must contact MDHHS to reschedule it before July 31, 2023, or face closure of her FAP case (Exhibit A, p. 21).
7. Effective August 1, 2023, Petitioner's FAP case closed.
8. On September 5, 2023, MDHHS received Petitioner's timely submitted hearing request, disputing the closure of her FAP case for failure to complete the redetermination interview (Exhibit A, pp. 3-5).

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.

Petitioner disputes the closure of her FAP case for failure to complete the redetermination interview.

MDHHS must periodically redetermine or renew an individual's eligibility for active programs. The redetermination process includes a thorough review of all eligibility factors. BAM 210 (October 2022), p. 1. FAP benefits stop at the end of the benefit period unless a redetermination is completed, and a new benefit period is certified. BAM 210, p. 4. A telephone interview is required at redetermination before MDHHS determines ongoing

eligibility. BAM 210, p. 6. The FAP group loses its right to uninterrupted FAP benefits if it fails to participate in the scheduled interview. BAM 210, p. 21. Benefits stop at the end of the benefit period unless a redetermination is completed, and a new benefit period is certified. BAM 210, p. 3. To initiate the redetermination process, MDHHS issues to clients a redetermination form; that form must be completed and returned to MDHHS in a timely manner. BAM 210, p. 1.

In this case, MDHHS acknowledges that they timely received Petitioner's redetermination. MDHHS testified that Petitioner's redetermination paperwork stated that the redetermination interview was scheduled for June 5, 2023, between 10:30 AM and 12:30 PM (see Exhibit A, p. 8). While the interview information is listed in very small print at the bottom of the form, Petitioner acknowledges that she did know the interview was scheduled. On June 5, 2023, MDHHS called Petitioner and left a message for her to return their call. Petitioner disputes ever receiving a phone call on this date. No interview was completed on this date. On June 5, 2023, MDHHS issued a Notice of Missed Appointment to Petitioner, informing her that she missed the redetermination interview and must contact MDHHS to reschedule it before July 31, 2023, or face closure of her FAP case. Petitioner called MDHHS to reschedule the interview for June 7, 2023, at 2:00 PM. On June 7, 2023, MDHHS called Petitioner at 2:06 PM and left a message for Petitioner to return their call. MDHHS called Petitioner again at 2:16 PM. Petitioner testified that she does not recall if she received a call on this date. No interview was completed on this date. On June 7, 2023, MDHHS issued a Notice of Missed Appointment to Petitioner, informing her that she missed the redetermination interview and must contact MDHHS to reschedule it before July 31, 2023, or face closure of her FAP case. Petitioner acknowledges that she did not contact MDHHS regarding completing the redetermination interview after June 7, despite receiving two Notices that clearly stated that the interview must be completed or her FAP case would close. Since Petitioner did not complete the redetermination interview, her FAP case automatically closed. As outlined in BAM 210, the FAP group loses its right to uninterrupted FAP benefits if they fail to participate in the scheduled interview. Therefore, MDHHS acted in accordance with policy in closing 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 MDHHS acted in accordance with Department policy when it closed Petitioner's FAP case, effective August 1, 2023.

DECISION AND ORDER

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



DN/tm

Danielle Nuccio
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 :

DHHS
Tara Roland 82-17
Wayne-Greenfield/Joy-DHHS
8655 Greenfield
Detroit, MI 48228
**MDHHS-Wayne-17-
hearings@michigan.gov**

Interested Parties

M. Holden
D. Sweeney
BSC4

Via-First Class Mail :

Petitioner

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