



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

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

MARLON I. BROWN, DPA
ACTING DIRECTOR

[REDACTED] MI [REDACTED]

Date Mailed: February 9, 2024
MOAHR Docket No.: 24-000131
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Caralyce M. Lassner

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 hearing was held by telephone on February 5, 2024. Petitioner represented herself. The Department of Health and Human Services (Department) was represented by Valarie Foley, Hearing Facilitator.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) case for failing 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 benefits.
2. On November 4, 2023, the Department sent Petitioner a redetermination packet which was due by November 27, 2023. (Exhibit A, p. 13)
3. On November 27, 2023, Petitioner returned the completed redetermination package to the Department. (Exhibit A, pp. 13 – 17).
4. On December 6, 2023, the Department issued an appointment notice to Petitioner for a scheduled appointment on December 12, 2023 at 8:45 am by telephone. The notice further advised Petitioner that if she was unable to make the appointment,

she must contact the Department to reschedule as soon as possible. (Exhibit A, p. 18).

5. On December 12, 2023, the Department called Petitioner for her redetermination interview and was unable to reach Petitioner. (Exhibit A, p. 19)
6. On January 2, 2024, the Department issued a notice of case action to Petitioner closing Petitioner's FAP case effective January 1, 2024 for failure to complete the redetermination interview. (Exhibit A, pp. 20 – 21).
7. On January 4, 2024, the Department received Petitioner's request for hearing on the closure of her FAP benefit case. (Exhibit A, p. 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 requested a hearing to dispute the closure of her FAP case. The Department explained that Petitioner's FAP case closed because Petitioner had failed to complete the redetermination process.

A completed redetermination is required at least annually in FAP cases unless a 24-month benefit period is assigned or unless the FAP group is composed of individuals with no earned income and all adult members are elderly or disabled. BAM 210 (October 2023), pp. 3, 5. For FAP cases, 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.

In this case, Petitioner was due for a redetermination of benefits before January 1, 2024. Redetermination consists of at least two steps: a) completion of the redetermination application, and b) an interview. BAM 210, pp. 3, 5, 21. Petitioner received and returned her redetermination package to the Department on November 27, 2023. A telephone appointment was scheduled for Petitioner for December 12, 2023 at 8:45 am. The Department attempted to call Petitioner for her redetermination interview on December 12 and could not reach her. (Exhibit A, p. 19, Entry 80). Petitioner confirmed that the phone number she provided on her redetermination application is her

current phone number. Petitioner did not contact the Department to reschedule her interview prior to the closure of her FAP benefit case on January 2, 2024.

Petitioner testified that she has issues receiving her mail in a timely fashion and offered that as her explanation for missing her redetermination interview. Petitioner further testified that she missed her redetermination interview because she and her family were all ill with COVID-19 beginning on or about December 16, 2023 and were subject to quarantine.

While Petitioner may have had issues receiving her appointment notice in a timely fashion, Petitioner timely received the January 2, 2024 Notice of Case Action, as evidenced by her January 4, 2024 hearing request. She confirmed that she did receive the appointment notice, and although she testified it was after the scheduled date she could not recall exactly when she received the notice. Additionally, while Petitioner stated she was quarantining because of COVID-19, the appointment was to be held by telephone, which the Department testified was its policy through 2023 and how Petitioner completed her redetermination interviews in the past. And, while Petitioner's testimony may be truthful, it does not explain why Petitioner did not contact the Department upon receipt of the appointment notice and before her case closed January 1, 2024 to schedule and complete her interview.

Lastly, the Department testified that Petitioner has not requested to reschedule her redetermination interview and that, as of the date of the hearing, Petitioner's redetermination interview has not been completed. The Department also testified that no new application has been submitted by Petitioner.


Petitioner had a responsibility to complete the redetermination phone interview if she wanted her benefits to continue. Petitioner failed to complete the redetermination phone interview, which is a requirement before a new benefit period can be certified. This was proper and consistent with Department policy. BAM 210.

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**.

CML/ml



Caralyce M. Lassner
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
Susan Noel
Wayne-Inkster-DHHS
26355 Michigan Ave
Inkster, MI 48141
MDHHS-Wayne-19-Hearings@michigan.gov

Interested Parties

BSC4
M Holden
B Cabanaw
N Denson-Sogbaka

Via First Class Mail:

Petitioner

[REDACTED]
[REDACTED] MI [REDACTED]