



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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██████████, MI ██████████

Date Mailed: February 13, 2023
MOAHR Docket No.: 23-000005
Agency No.: ██████████
Petitioner: ██████ ██████

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 February 2, 2023, from Lansing, Michigan. The Petitioner was represented by himself. Petitioner's mother ██████ ██████ appeared and testified. The Department of Health and Human Services (Department) was represented by Melissa Stanley Hearing Facilitator. Department Exhibit 1, pp. 1-13 was received and admitted.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) case for failing to complete 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. On October 4, 2022, Petitioner was scheduled for a redetermination interview.
2. On October 4, 2022, at 3:37 p.m. Petitioner was contacted by telephone, but he did not answer. (Ex. 1, p.11)
3. On October 5, 2022, Notice of Missed interview was sent to Petitioner.
4. On December 13, 2022, Notice of Case Action was sent to Petitioner informing him that his FAP case would close.
5. On January 5, 2023, Petitioner requested hearing disputing the closure of FAP benefits.

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.

FAP Only

Benefits stop at the end of the benefit period **unless** a redetermination is completed **and** a new benefit period is certified. If the client does not begin the redetermination process, allow the benefit period to expire. The redetermination process begins when the client files a MDHHS-1171, Assistance Application and MDHHS-1171-FAP, Supplement- Food Assistance Program; MDHHS-1010, Redetermination and MDHHS-1010-FAP; MDHHS-1171, filing form. BAM 210

FAP Client Failure to Meet Redetermination Requirements

FAP Only

Delays

The group loses its right to uninterrupted FAP benefits if it fails to do any of the following:

File the FAP redetermination by the timely filing date.

Participate in the scheduled interview.

Submit verifications timely, provided the requested submittal date is **after** the timely filing date. BAM 210

In this case, Petitioner testified that he was unavailable at the time of the scheduled interview on October 4, 2022, because he was driving his daughter to work, and he did not want to drive and talk on the phone at the same time. Petitioner acknowledged that a call was placed to his phone at the scheduled time. Petitioner testified that he called the Department later in the day on October 4, 2022, and on several other occasions and waited on hold for long periods of time on several occasions but never reached the Department.

The Department representative testified at hearing that the Department phone system allows for someone to input a call back number and waiting for long periods of time on hold like Petitioner described is not necessary.


Petitioner had a responsibility to complete the redetermination phone interview if he wanted his benefits to continue. Petitioner failed to complete the redetermination phone interview prior to a new benefit period being certified and the Department allowed his benefits to expire. 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 for failing to complete the redetermination interview prior to the deadline.

DECISION AND ORDER

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

AM/nr



Aaron McClintic
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
Elisa Daly
411 East Genesee
Saginaw, MI 48607
**MDHHS-Saginaw-
Hearings@michigan.gov**

Interested Parties
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BSC2
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Via-First Class Mail :

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