



GRETCHEN WHITMER
GOVERNOR

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

MARLON I. BROWN, DPA
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: June 21, 2024
MOAHR Docket No.: 24-003193
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Zainab A. Baydoun

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 17, 2024, from Detroit, Michigan. Petitioner did not appear for the hearing. Petitioner was represented by his daughter/Authorized Hearing Representative (AHR) [REDACTED] [REDACTED]. The Department of Health and Human Services (Department) was represented by Nicole Taylor, Assistance Payments Specialist and Tiara Warren, Eligibility Specialist.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) 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 recipient of FAP benefits.
2. In connection with a redetermination, Petitioner's eligibility to receive FAP benefits was reviewed.
3. On or around January 4, 2024, the Department sent Petitioner a redetermination that was to be completed and returned to the Department by January 24, 2024. Petitioner was scheduled to have a redetermination interview on February 1, 2024.
4. Petitioner's AHR asserted that a completed redetermination was mailed to the Department in January 2024.

5. On or around February 1, 2024, the Department sent Petitioner a Notice of Missed Appointment/Interview, advising him that he missed his scheduled interview and/or failed to return the redetermination packet prior to the interview. Petitioner was informed that it was now his responsibility to reschedule the interview and/or return the redetermination packet before February 29, 2024, or his application/redetermination will be denied.
6. On or around February 12, 2024, a representative on behalf of Petitioner contacted the Department requesting that the redetermination interview be rescheduled. On February 14, 2024, the Department contacted Petitioner and let the representative know that the redetermination interview could not be rescheduled until the completed redetermination form was received by the Department. The Department asserted that as of February 14, 2024, it had not received the completed redetermination form.
7. On or around February 14, 2024, the Department re-sent the redetermination to Petitioner for completion.
8. On February 20, 2024, a representative on behalf of Petitioner contacted the Department requesting that the redetermination interview be rescheduled and was again informed that the redetermination form had not been received and thus, the interview could not be scheduled.
9. Petitioner's AHR asserted that on February 20, 2024, Petitioner's wife went to the local office and dropped off a completed copy of the redetermination. Petitioner's AHR maintained that Petitioner's wife signed her name to the sign in book at the local office to verify that she was there and that she had dropped off documents that day.
10. The Department asserted that Petitioner failed to return the redetermination and his FAP case closed automatically at the end of the benefit certification period on February 29, 2024.
11. On or around March 4, 2024, a representative on behalf of Petitioner contacted the Department requesting that the redetermination interview be scheduled. The Department did not reschedule the redetermination interview because Petitioner's FAP case had already closed and the Department asserted that a redetermination form had not been received.
12. On or around March 25, 2024, Petitioner requested a hearing, disputing the Department's actions with respect to the closure of the FAP case.

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.

The Department must periodically redetermine or renew an individual's eligibility for active programs. The redetermination/renewal process includes a thorough review of all eligibility factors. Redetermination, renewal, semi-annual and mid-certification forms are often used to redetermine eligibility of active programs. BAM 210 (January 2024), p. 1. If a FAP client does not begin the redetermination process, the Department will allow the benefit period to expire. The redetermination process begins when the client files a: MDHHS-1171 Assistance Application; DHS-1010 Redetermination; DHS-1171, Filing Form; or DHS-2063B, Food Assistance Benefits Redetermination Filing Record. BAM 210, pp. 3-4.

A FAP client must also complete an interview. If the client misses the interview, Bridges sends a DHS-254, Notice of Missed Interview. BAM 210, pp. 5-7. Before the Department proceeds with the FAP interview, it must receive the completed redetermination packet from the client. For FAP cases, benefits stop at the end of the benefit period unless a redetermination is completed, verifications received, and a new benefit period is certified. BAM 210, pp. 2-5. If the redetermination packet is not logged in by the last working day of the redetermination month, Bridges will automatically close the FAP case without sending a Notice of Case Action. BAM 210, p.14.

In this case, the Department representative testified that because Petitioner failed to timely submit a completed redetermination prior to the end of the February 29, 2024, certification period, his FAP case automatically closed, and a Notice of Case Action was not sent. The Department initially testified that there was no contact made by Petitioner or any representative to the Department regarding the redetermination prior to the case closure. However, later in the hearing, the Department reviewed the case comments and confirmed that on February 12, 2024, Petitioner contacted the Department to have the redetermination interview rescheduled. There was also communication with Petitioner's representative on February 14, 2024, and the redetermination form was reprinted and resent to Petitioner. Additional communication with Petitioner's representative occurred on February 20, 2024, and March 4, 2024.

At the hearing, Petitioner's AHR credibly testified that the completed redetermination was first mailed to the Department in January 2024 prior to the due date and when the Notice of Missed Interview/Appointment was received, she contacted the Department in order to reschedule the FAP redetermination interview. Petitioner's AHR asserted that on February 20, 2024, another call was made to the Department to reschedule the FAP interview and because Petitioner was informed that the Department still had not received the redetermination, Petitioner's wife went to the local office that day to submit the forms in person. Petitioner's AHR credibly testified that her mother signed the logbook to verify that she was present at the local office on February 20, 2024, and that she submitted documents to the Department that day. Petitioner's representative again attempted to reschedule the FAP interview on March 4, 2024. The testimony of Petitioner's AHR regarding the timely submission of the redetermination was credible.

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 close Petitioner's FAP case.


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. Reinstate Petitioner's FAP case effective March 1, 2024, and redetermine the household's eligibility for FAP benefits from March 1, 2024, ongoing;
2. Issue FAP supplements to Petitioner for any benefits he was eligible to receive but did not, if any, from March 1, 2024, ongoing, in accordance with Department policy; and
3. Notify Petitioner in writing of its decision.

ZB/ml



Zainab A. Baydoun
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
Denise Key-McCoggle
Wayne-Greydale-DHHS
27260 Plymouth Rd
Redford, MI 48239
MDHHS-Wayne-15-Greydale-Hearings@michigan.gov

Interested Parties

BSC4
M Holden
B Cabanaw
N Denson-Sogbaka
MOAHR

Via First Class Mail:

Authorized Hearing Rep.

[REDACTED], MI [REDACTED]

Petitioner

[REDACTED]
MI [REDACTED]