



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

MARLON I. BROWN, DPA
DIRECTOR

[REDACTED], MI [REDACTED]

Date Mailed: October 25, 2024
MOAHR Docket No.: 24-010376
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 October 16, 2024. Petitioner appeared and was represented by their Authorized Hearing Representative (AHR), [REDACTED]. The Department of Health and Human Services (Department) was represented by Lori Turner, Eligibility Specialist.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) case effective September 1, 2024?

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 July 5, 2024, the Department sent Petitioner a FAP redetermination application that was due July 25, 2024. The redetermination application included notice of an interview scheduled for August 6, 2024. (Exhibit A, pp. 8 – 12).
2. On August 6, 2024, the Department sent Petitioner a) correspondence that advised Petitioner that the second page was missing from the redetermination application Petitioner had returned, and b) a Notice of Missed Appointment because it could not conduct the scheduled interview without a complete redetermination application. (Exhibit A, pp. 13 – 14).
3. On August 7, 2024, the Department received a replacement copy of Petitioner's redetermination application with all pages. (Exhibit A, pp. 8 – 12).

4. On August 26, 2024, the Department called Petitioner to complete the interview but was unable to reach Petitioner. (Exhibit A, p. 15).
5. On September 5, 2024, the Department sent Petitioner a Notice of Case Action (NOCA) that notified Petitioner the FAP case was closed effective September 1, 2024, for failure to complete the required interview in August 2024. (Exhibit A, pp. 16 – 18).
6. On September 5, 2024, Petitioner went to the local Department office in person but did not meet with a worker. (Exhibit A, p. 15).
7. On September 11, 2024, the Department received a request for hearing from Petitioner, disputing the closure of Petitioner's FAP case. (Exhibit A, pp. 3 – 5).
8. On September 24, 2024, Petitioner completed the redetermination interview.

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 closure of her FAP case. The Department closed Petitioner's FAP case effective September 1, 2024 for failure to complete the interview.

When a group is actively receiving FAP benefits, the Department must periodically redetermine or renew an individual's eligibility for active programs and may do so with a redetermination application or other forms. BAM 210 (July 2024), p. 1. 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. For FAP groups such as Petitioner's, the redetermination process consists of at least two steps: a) completion of the redetermination application, and b) an interview. BAM 210, pp. 3, 5, 21. For FAP, if a client misses the interview appointment, Department is to send a Notice of Missed Appointment advising the client that it is their responsibility to reschedule the interview. BAM 115 (May 2024), p. 23. If the client fails to take a required action, including the interview, the case is denied at the end of the benefit period. BAM 210, p. 22.

In this case, Petitioner was initially scheduled for a redetermination interview for August 6, 2024. (Exhibit A, p. 8). The Department testified that it did not receive all of the pages of Petitioner's redetermination application by the scheduled interview date and could not complete the interview without a complete redetermination application. The evidence established that on August 6, 2024, the Department sent Petitioner correspondence that advised her that the second page was missing from the completed redetermination application, and a Notice of Missed Appointment. (Exhibit A, pp. 13 – 14). Petitioner resubmitted her redetermination application to the Department on August 7, 2024 (Exhibit A, pp. 8 – 12). The AHR testified that on August 26, 2024, Petitioner requested to reschedule her redetermination interview. However, there was no evidence of Petitioner's request. The parties agreed that Petitioner appeared at the local Department office on September 5, 2024 and completed her redetermination interview on September 24, 2024, so while Petitioner may be eligible to have the redetermination application re-registered (BAM 210, p. 22) as of September 24, 2024, the date she completed the interview, the August benefit period had already expired. Therefore, because Petitioner failed to complete the redetermination interview on or before August 31, 2024, the Department properly closed Petitioner's FAP case effective September 1, 2024.

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 effective September 1, 2024.

DECISION AND ORDER

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

CML/nr



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
Tara Roland 82-17
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Interested Parties
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Via-First Class Mail :

Authorized Hearing Rep.

[REDACTED]
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Petitioner

[REDACTED]
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