



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

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Date Mailed: November 26, 2024
MOAHR Docket No.: 24-010501
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness

HEARING DECISION

On September 13, 2024, Petitioner, ██████████ requested a hearing to dispute a Food Assistance Program (FAP) closure. As a result, a hearing was scheduled to be held on October 17, 2024. Public assistance hearings are held 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. Petitioner appeared and represented himself. Respondent, Department of Health and Human Services (Department), had Assistance Payment Worker, Danielle Moton, appear as its representative. **The hearing was conducted before Administrative Law Judge (ALJ) L. Alisyn Crawford. Because ALJ Crawford is unavailable, the undersigned reviewed the record and issued this Hearing Decision based on the evidence presented. See Mich Admin Code, R 792.10106(7).**

A 20-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Did the Department properly close Petitioner's 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. A redetermination interview was scheduled for ██████████ 2024, between 8:00 a.m. and 10:00 a.m.
2. The Department did not call Petitioner on the ██████████ 2024, scheduled interview date.
3. On ██████████ 2024, the Department received Petitioner's submitted redetermination.

4. Petitioner asserted that he was in the Department office on [REDACTED] 2024, and, although he was advised he would be called for the interview, no one ever called him.
5. On July 9, 2024, the Department mailed a notice of missed appointment to Petitioner advising Petitioner that Petitioner recently missed Petitioner's scheduled interview, and it is Petitioner's responsibility to reschedule the interview before July 31, 2024, or Petitioner's redetermination will be denied.
6. The Department called Petitioner on July 18, 2024, at 3:00 p.m. and 3:20 p.m. to complete Petitioner's redetermination interview but was unable to reach Petitioner.
7. Petitioner asserted that he did not receive a phone call to participate in a redetermination interview.
8. On August 1, 2024, a notice of case action was mailed to Petitioner closing Petitioner's FAP benefits effective August 1, 2024, because Petitioner did not complete the required interview.
9. On September 13, 2024, Petitioner requested a hearing to dispute the Department's determination.

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 FAP 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 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 closed Petitioner's FAP benefits because Petitioner did not participate in a required redetermination interview. The Department is required to interview a client prior to renewing eligibility for FAP benefits. 7 CFR 273.14(3).

In Petitioner's September 13, 2024, request for hearing, Petitioner stated that he was in the DHHS office on [REDACTED] 2024, when he turned in all required paperwork and, although he was advised he would be called for the interview, no one ever called him.

The record shows that Petitioner submitted a redetermination on July 9, 2024, and was not contacted for his July 9, 2024, redetermination interview. Petitioner was not contacted by the Department until July 18, 2024, at 3:00 p.m. and 3:20 p.m. Here, the Department erred by not calling him on July 9, 2024, and failed to establish that Petitioner was notified of the July 18, 2024, interview date.

DECISION AND ORDER

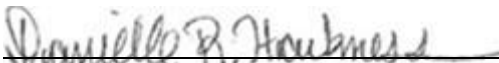
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department failed to act in accordance with its policies and the applicable law when it closed Petitioner's FAP benefits.

IT IS ORDERED that 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. Reprocess Petitioner's [REDACTED] 2024, Redetermination, and
2. Issue any FAP benefits that Petitioner is otherwise eligible to receive.

DH/pt



Danielle R. Harkness
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

BSC4

M Holden

B Cabanaw

N Denson-Sogbaka

MOAHR

Via-First Class Mail:

Petitioner

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