



Date Mailed: May 5, 2025

Docket No.: 25-010125

Case No.: [REDACTED]

Petitioner: [REDACTED]

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هذه وثيقة قانونية مهمة. يرجى أن يكون هناك شخص ما يترجم المستند.

এটি একটি গুরুত্বপূর্ণ আইনি ডকুমেন্ট। দয়া করে কেউ দস্তাবেজ অনুবাদ করুন।

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Ky është një dokument ligjor i rëndësishëm. Ju lutem, kini dikë ta përktheni dokumentin.

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; 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 via telephone conference on April 29, 2025. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Cody Hitchcox, Eligibility Specialist.

ISSUE

Did Petitioner have authorization to request a hearing regarding Medical Assistance on behalf of an individual who is not in her program benefit group?

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 FAP recipient for a household size of one. Petitioner's FAP benefit period ran through January 31, 2025.
2. On December [REDACTED] 2024, the Department sent a Redetermination packet to Petitioner for the purpose of evaluating Petitioner's ongoing eligibility for

FAP benefits. The Redetermination packet was due back to the Department no later than December 26, 2024. Further, the Redetermination packet informed Petitioner that she would receive a phone call from the Department on January █ 2025 from 10:30 AM to 12:30 PM for the purpose of conducting a Redetermination interview. The Redetermination packet advised Petitioner that failing to return the required documents by the due date may result in the closure of her FAP benefits. Exhibit A, pp. 7-13.

3. On January █ 2025, the Department sent Petitioner a Notice of Missed Appointment informing her that an interview is required to determine her FAP eligibility but since she failed to return her redetermination packet prior to the interview date, it was now her responsibility to reschedule the interview and return the redetermination packet prior to January 31, 2025. Exhibit A, p. 14.
4. On January 31, 2025, Petitioner FAP case closed.
5. On March 13, 2025, the Department received a request for hearing from Petitioner disputing the Department's actions related to the closure of her FAP case. Petitioner also requested a hearing on behalf of █ (MR), a non-group member, concerning MA benefits. There was no indication on the request that Petitioner was MR's authorized hearing representative. Exhibit A, pp. 4-5.

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).

Medical Assistance (MA)

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

In her request for hearing, Petitioner indicated that she was, on behalf on MR, disputing actions made by the Department on MR's MA case. However, Petitioner's request with regard to MR is not appropriate or supported by policy standards. Department policy regarding hearing requests signed by Authorized Hearing Representatives (AHRs) for hearings states: a hearing request with a client signature may name an AHR who is authorized to stand in for or represent the client in the rest of the hearing process. BAM

600 (June 2024), p. 2. Here, the hearing request bears Petitioner's signature only and no other documentation was provided by Petitioner to support that she has or had authorization to represent MR.

Therefore, there is no jurisdiction for this Administrative Law Judge to address the issues raised by the March 13, 2025 hearing request regarding MR's MA benefits filed by Petitioner. The Petitioner's hearing request regarding MR's MA benefits is **DISMISSED**.

Food Assistance Program (FAP)

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.

In this case, Petitioner's FAP case was due for redetermination as her benefit period was coming to an end on January 31, 2025. Accordingly, the Department sent a Redetermination form to the Petitioner with a due date of December 26, 2024. The Redetermination packet advised Petitioner that failing to return the required documents by the due date may result in the closure of her FAP benefits. Petitioner testified that her FAP case should not have closed because she did not receive her Redetermination packet from the Department in a timely manner due to the holiday season and argued that the Department should not be allowed to send documents during the holiday season.

Prior to conducting the interview, the Department must obtain a complete redetermination packet from the client and compare the redetermination document to the previous assistance or redetermination application from the client. BAM 210 (April 2025), pp. 14-15. Because Petitioner did not return her Redetermination packet, the Department testified that it did not attempt to contact her for the scheduled interview. The Department issued Petitioner a Notice of Missed Interview informing Petitioner that she "missed" the scheduled interview and that it was now her responsibility to submit her Redetermination packet and reschedule the Redetermination interview. Pursuant to Department policy, if the redetermination packet is not logged in by the last working day of the redetermination month, the Department automatically closes the Eligibility Redetermination Group (EDG), and a Notice of Case Action is not generated. BAM 210, p. 13. On January 31, 2025, the Department closed Petitioner's FAP case due to her failure to participate in the redetermination process.

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, p. 1. If a FAP client does not begin the redetermination process, the Department will allow the benefit period to expire.

A FAP client is also required to participate in the FAP interview process. If the client misses an interview appointment, the Department will send a DHS-254, Notice of Missed Interview, advising the client that it is now the client's responsibility to request another interview date. It sends a notice only after the first missed appointment. If the client contacts the Department to reschedule, the Department will schedule the interview prior to the 30th day, if possible. If the client fails to reschedule or misses the rescheduled interview, the Department will close the FAP case on the 30th day. BAM 115 (October 2024), pp. 18-24.

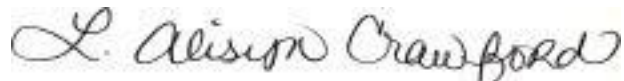
Based on the evidence and policies, Petitioner did fail to cooperate with the Department in completing the redetermination process. At the hearing, Petitioner testified that she did receive both the Redetermination packet and the Notice of Missed Appointment but asserted that both documents were delayed in the mail and were received in early January 2025, which was prior to the end of her FAP benefit period.

The proper mailing of a letter creates a presumption of receipt. That presumption may be rebutted by evidence. *Stacey v Sankovich*, 19 Mich App 638 (1969); *Good v Detroit Automobile Inter-Insurance Exchange*, 67 Mich App 270 (1976). Even if the Redetermination packet and the Notice of Missed Appointment were delayed in arriving to Petitioner, she testified that she received both prior to the closure of her FAP case and made no attempts to contact the Department. Therefore, the Department properly closed Petitioner's FAP case.

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 acted in accordance with Department policy when it closed Petitioner's FAP case when she did not participate in the redetermination process.

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



L. ALISYN CRAWFORD
ADMINISTRATIVE LAW JUDGE

APPEAL RIGHTS: Petitioner may appeal this Hearing Decision to the circuit court. Rules for appeals to the circuit court can be found in the Michigan Court Rules (MCR), including MCR 7.101 to MCR 7.123, available at the Michigan Courts website at courts.michigan.gov. The Michigan Office of Administrative Hearings and Rules (MOAHR) cannot provide legal advice, but assistance may be available through the State Bar of Michigan at <https://lrs.michbar.org> or Michigan Legal Help at <https://michiganlegalhelp.org>. A copy of the circuit court appeal should be sent to MOAHR. A circuit court appeal may result in a reversal of the Hearing Decision.

Either party who disagrees with this Hearing Decision may also send a written request for a rehearing and/or reconsideration to MOAHR within 30 days of the mailing date of this Hearing Decision. The request should include Petitioner's name, the docket number from page 1 of this Hearing Decision, an explanation of the specific reasons for the request, and any documents supporting the request. The request should be sent to MOAHR

- by email to MOAHR-BSD-Support@michigan.gov, **OR**
- by fax at (517) 763-0155, **OR**
- by mail addressed to
Michigan Office of Administrative Hearings and Rules
Rehearing/Reconsideration Request
P.O. Box 30639
Lansing Michigan 48909-8139

Documents sent via email are not secure and can be faxed or mailed to avoid any potential risks. Requests MOAHR receives more than 30 days from the mailing date of this Hearing Decision may be considered untimely and dismissed.

Via Electronic Mail:

Respondent

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MOAHR

Via First Class Mail:

Petitioner

