



Date Mailed: July 21, 2025

Docket No.: 25-023244

Case No.: [REDACTED]

Petitioner: [REDACTED] [REDACTED]

This is an important legal document. Please have someone translate the document.

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

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

Este es un documento legal importante. Por favor, que alguien traduzca el documento.

这是一份重要的法律文件。请让别人翻译文件。

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

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Case No.: [REDACTED]
Petitioner: [REDACTED] [REDACTED]

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 via Microsoft Teams on July 14, 2025. Petitioner participated and was represented. [REDACTED] [REDACTED] Petitioner's sister, testified and participated as Petitioner's authorized hearing representative (AHR). The Michigan Department of Health and Human Services (MDHHS) was represented by Karen Smalls, supervisor.

ISSUE

The issue is whether MDHHS properly terminated Petitioner's Food Assistance Program (FAP) eligibility.

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 April [REDACTED] 2025, MDHHS mailed Petitioner redetermination documents informing Petitioner of an interview date of May [REDACTED] 2025, between 2:30 p.m. and 4:30 p.m.
2. On an unspecified date, Petitioner returned redetermination documents to MDHHS.
3. On May [REDACTED] 2025, MDHHS called Petitioner twice between 2:30 p.m. and 4:30 p.m.; Petitioner did not answer.
4. On May [REDACTED] 2025, MDHHS mailed Petitioner a Notice of Missed Interview informing Petitioner to return redetermination documents and/or call MDHHS for an interview before the end of May 2025 or FAP benefits would end.
5. On June 2, 2025, MDHHS mailed Petitioner notice of FAP termination beginning June 2025 due to a failure to be interviewed.

6. On June 13, 2025, Petitioner's AHR requested a hearing to dispute the termination of FAP benefits.

CONCLUSIONS OF LAW

The Food Assistance Program [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. MDHHS administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-119b, and Mich Admin Code, R 400.3001-.3011. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner's AHR requested a hearing to dispute a termination of FAP benefits. Exhibit A, pp. 3-5. A Notice of Case Action dated June █ 2025, stated that Petitioner's FAP eligibility ended June 2025 due to a failure to be interviewed.¹ Exhibit A, pp. 12-16. It was not disputed that the interview was part of a FAP benefit redetermination.

Conduct a telephone interview at redetermination before determining ongoing eligibility for FAP benefits. BAM 210 (April 2025) p. 5. If the client misses the interview, MDHHS is to send a DHS-254, Notice of Missed Interview. *Id.* 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 if the due date is after the timely filing date. *Id.*, p. 21.

MDHHS sent Petitioner documents for a FAP redetermination on April █ 2025. Petitioner's due date to return the documents was April 24, 2025. MDHHS acknowledged that Petitioner timely submitted redetermination documents.² Exhibit A, pp. 6-10. The documents also stated that Petitioner would be interviewed by telephone between 2:30 p.m. and 4:30 p.m. on May █ 2025. MDHHS testified that a specialist documented calling Petitioner on May █ 2025, at 2:37 p.m. and 2:45 p.m. When Petitioner did not answer, MDHHS testified that a specialist documented leaving Petitioner a voicemail message stating that Petitioner needed to be interviewed. Because Petitioner was not interviewed, MDHHS mailed Petitioner a Notice of Missed Interview form on May █ 2025, stating that Petitioner needed to call MDHHS to schedule an interview or FAP benefits would close at the end of May 2025. Exhibit A, p. 11.

Petitioner initially thought she called MDHHS to be interviewed during May 2025. However, Petitioner's AHR, after checking Petitioner's phone, discovered that Petitioner

¹ The notice also stated that Petitioner did not meet unspecified program requirements. MDHHS did not allege this as a proper basis for benefit termination.

² A "timely" submission is debatable. Redetermination documents were due April 24, 2025. Also, the documents must be submitted before an interview date for an interview to process. The redetermination documents submitted by Petitioner were stamped as received by MDHHS on May 19, 2025.

called the Electronic Benefit Transfer (EBT) Card Customer Service twice in May 2025, but not MDHHS.³

Petitioner's testimony denied receiving the Notice of Missed Interview form dated May █ 2025. The presented Notice of Missed Interview form included Petitioner's proper mailing address thereby suggesting it was properly mailed. Exhibit A, p. 11. Petitioner's testimonial denial was not accepted as a fact due to its lack of corroboration. Furthermore, Petitioner's testimony did not deny an awareness of needing to reschedule the redetermination interview.

The evidence established that MDHHS followed proper procedures in trying to interview Petitioner for a FAP benefit redetermination. The evidence did not establish that Petitioner attempted to be interviewed until after June 13, 2025, the date of Petitioner's hearing request submission and after MDHHS sent written notice of closure.⁴ Given the evidence, MDHHS properly terminated Petitioner's FAP eligibility beginning June 2025.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly terminated Petitioner's FAP eligibility beginning June 2025 due to a failure to be interviewed. The actions taken by MDHHS are **AFFIRMED**.



CHRISTIAN GARDOCKI
ADMINISTRATIVE LAW JUDGE

³ The EBT Card Customer Service Hotline is intended to assist client with EBT card issues such as changing a personal identification number, reporting a lost or stolen EBT card, and/or benefit balance inquiries.

⁴ There was evidence suggesting that Petitioner tried to be interviewed by MDHHS after June 13, 2025. Though the evidence is beyond the jurisdiction of the present hearing because it occurred after Petitioner's hearing request filing, Petitioner is not prohibited from requesting another hearing alleging an MDHHS failure to interview Petitioner within 30 days of case closure as part of "subsequent processing" (see BAM 210). As discussed during the hearing, Petitioner can also reapply for benefits.

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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Via First Class Mail:

Petitioner
[REDACTED]
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