
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 March 4, 2026. Petitioner appeared was represented by Dena Atta. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Jenee Murray, Hearing Facilitator. Department Exhibit 1, pp. 1-16 were received and admitted.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) case for failing to complete the redetermination interview?

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 December REDACTED, 2025, a redetermination packet was sent to Petitioner.
2. On December REDACTED, 2025, Petitioner submitted her redetermination paperwork.
3. On January REDACTED, 2026, the Department attempted to contact Petitioner for her phone interview but were unable to reach her.
4. Household member REDACTED REDACTED credibly testified that she was available at the phone number provided for the redetermination interview at the scheduled time, but no phone call was received
5. On January REDACTED, 2026, Notice of Missed Appointment was sent to Petitioner instructing her that the interview needed to be rescheduled and completed prior to January 31, 2026.
6. Household member REDACTED REDACTED credibly testified that she appeared at the local office prior to January 31, 2026, and was willing and able to complete the FAP redetermination interview.
7. On January 31, 2026, Petitioner's FAP benefits closed for failing to complete redetermination interview.
8. On February 4, 2026, Petitioner requested a hearing disputing the closure of FAP.

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.

FAP Only

The individual interviewed may be the client, the client's spouse, any other responsible member of the group or the client's authorized representative. BAM 220

FAP CLIENT FAILURE TO MEET REDETERMINATION REQUIREMENTS

FAP Only

Delays

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, provided the requested submittal date is after the timely filing date. Any of these reasons can cause a delay in processing the redetermination. When the group is at fault for the delay, the redetermination must be completed within 30 days of the compliance date. If there is no refusal to cooperate and the group complies by the 30th day, issue benefits within 30 days of the compliance date. Benefits are not prorated. BAM 220

In this case, household member REDACTED REDACTED credibly testified that someone was available at the number listed in the notice of interview and no phone call was received at the scheduled time. In addition, REDACTED REDACTED credibly testified that she went to the local office before January 31, 2026, after having received the Notice of Missed Appointment and was told there needed to be a new application filed. Because Ms. REDACTED appeared at the local office prior to the January 31, 2026, deadline the interview could have been completed and the FAP case should not have closed. BAM 220

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 did not act in accordance with Department policy when it closed Petitioner's FAP case for failing to complete the FAP redetermination interview.

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. Reinstatement of Petitioner's FAP case going back to the date of closure.
2. Issue a supplement for any missed FAP benefits.

Aaron McClintic

**AARON MCCLINTIC
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.