

**STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**IN THE MATTER OF:**

██████████  
██████████  
██████████

Reg. No.: 15-008253  
Issue No.: 3002  
Case No.: ██████████  
Hearing Date: June 22, 2015  
County: WAYNE-DISTRICT 18  
(TAYLOR)

**ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris**

**HEARING DECISION**

Following Claimant'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 telephone hearing was held on June 22, 2015, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Health and Human Services (Department) included ██████████ ES and Hearing Facilitator.

**ISSUE**

Did the Department properly close the Claimant's Food Assistance (FAP) for failure to complete the Semi-Annual report?

**FINDINGS OF FACT**

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Department sent the Claimant a Semi-Annual Contact Report on February 2, 2015 due March 1, 2015. The Semi-Annual Report was sent to the Claimant's old address. Exhibit 1.
2. The Department also sent a Notice of Potential Food Assistance Closure on March 10, 2015. The Notice of Potential Food Assistance Closure was sent to the Claimant's old address. Exhibit 2.

3. The Department did not receive a Semi-Annual Contact Report from the Claimant by the due date.
4. The Department received returned mail on March 3, 2015 (Semi-Annual) and March 17, 2015 (energy services notice and notice of FAP potential closure).
5. The Claimant completed an online SER application on December 9, 2014 seeking relocation assistance and utility electric assistance. The SER application was denied by the Department for failure to provide a Court ordered eviction notice to support the relocation request. No new address was provided by Claimant on the application. Exhibit 4.
6. The Claimant testified that she moved to a new location in January 2015 and did not recall the date she called the Department to tell them the new address.
7. The phone log records kept by the Department indicated that a voicemail was left by Claimant on December 11, 2015 which was responded to by the Department on December 15, 2014. Thereafter, no call was received from the Claimant until March 17, 2015. Exhibit 3.
8. The Department acknowledged that the Claimant reported a change of address on March 17, 2015 to the Department. The Claimant did not report her change of address to the post office. The new address was entered by the Department on March 17, 2015.
9. The Claimant's case closed April 1, 2015. Exhibit 2.
10. The Claimant applied again for SER on March 15, 2015 and provided the Department her new address. This SER application was denied as the emergency was already resolved.
11. The Claimant requested a hearing on May 19, 2015 protesting the closure of her food assistance case.

### **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.

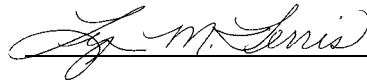
In this case, the Department closed the Claimant's food case for failure to complete the Semi Annual Contact Report. At the hearing the Claimant did not establish that the Department was given Claimant's new address at any time prior to March 17, 2015. There was no new address provided with the Claimant's SER application filed for relocation in December 2015. Thus, the Department had no notice of a new address so that the Semi-Annual Report could be sent to the new address. Although the Claimant testified that she provided a lease to the Department, no lease was contained in the Department's file.

At redetermination, **FAP** clients have until the last day of the redetermination month or 10 days, whichever is later, to provide verification; see BAM 210. BAM 130 p. 7

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 the Claimant's Food Assistance for failure to complete the Semi-Annual Contact Report. BAM 130 (July 1, 2014).

### **DECISION AND ORDER**

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



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**Lynn M. Ferris**  
Administrative Law Judge  
for Nick Lyon, Director  
Department of Health and Human Services

Date Signed: **6/30/2015**

Date Mailed: **6/30/2015**

LMF / cl

**NOTICE OF APPEAL**: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date. A copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from MAHS within 30 days of the mailing date of this Hearing Decision, or MAHS **MAY** order a

rehearing or reconsideration on its own motion. MAHS **MAY** grant a party's Request for Rehearing or Reconsideration when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The party requesting a rehearing or reconsideration must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings  
Reconsideration/Rehearing Request  
P.O. Box 30639  
Lansing, Michigan 48909-8139

CC:

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
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