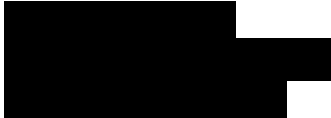




RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON  
DIRECTOR



Date Mailed: November 30, 2017  
MAHS Docket No.: 17-014106  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Eric J. Feldman

**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 on November 29, 2017, from Lansing, Michigan. Petitioner was present for the hearing and represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED] Hearings Facilitator.

**ISSUE**

Did the Department properly close Petitioner's Food Assistance Program (FAP) benefits effective September 1, 2017?

**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 recipient of FAP benefits.
2. On July 3, 2017, the Department sent Petitioner a Semi-Annual Contact Report (hereinafter referred to as "contact report"), which was due back by August 1, 2017. [Exhibit A, pp. 7-8.]
3. Petitioner did not submit the contact report by August 1, 2017.
4. On August 10, 2017, the Department sent Petitioner a Notice of Potential Food Assistance (FAP) Closure, which notified her that the Department did not receive her contact report and that her FAP benefits would close effective August 31, 2017. [Exhibit A, p. 9.]

5. Petitioner failed to return her contact report by August 31, 2017.
6. Effective September 1, 2017, Petitioner's FAP benefits closed due to her failure to return the contact report.
7. On October 23, 2017, Petitioner filed a hearing request, protesting the Department's action. [Exhibit A, pp. 4-6 and 10.]

### **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.

Clients must cooperate with the local office in determining initial and ongoing eligibility. BAM 105 (October 2016), p. 9. This includes completion of necessary forms. BAM 105, p. 9.

The Michigan Department of Health & Human Services (MDHHS) must periodically redetermine or renew an individual's eligibility for active programs. BAM 210 (July 2017), p. 1. The redetermination/renewal process includes thorough review of all eligibility factors. BAM 210, p. 1. Redetermination, renewal, semi-annual and mid-certification forms are often used to redetermine eligibility of active programs. BAM 210, p. 1. Local offices must assist clients who need and request help to complete applications, forms and obtain verifications. BAM 210, p. 1.

For FAP only, the Department sends a DHS-2240-A, Mid-Certification Contact Notice, for groups assigned a 24-month benefit period during the 11th month of their benefit period and a DHS-1046, Semi-Annual Contact Report, the beginning of the fifth month for cases assigned a 12-month benefit period. BAM 210, p. 10.

The DHS-1046 and DHS-2240A may be completed by the client, the client's authorized filing representative or by the specialist (during a telephone call, home call or interview with the client). BAM 210, p. 10. However, the form must be signed by the client or authorized filing representative. BAM 210, p. 10.

A report is considered complete when all of the sections (including the signature section) on the DHS-1046 and the DHS 2240-A are answered completely and required

verifications are returned by the client or client's authorized representative. BAM 210, p. 10. If an expense has changed and the client does not return proof of the expense, but all of the sections on the report are answered completely, the Department removes the expense from the appropriate data collection screen in the Department's system (Bridges) before running eligibility determination and benefit calculation (EDBC). BAM 210, p. 10.

For 12-month benefit period, the semi-annual contact report must be recorded, data collection updated and EDBC results certified in Bridges by the last day of the sixth month of the benefit period to affect benefits no later than the seventh month. BAM 210, p. 11. The contact is met by receipt of a completed DHS-1046 and required verifications. BAM 210, p. 11.

If the DHS-1046 is not logged in the Department's system (Bridges) by the 10th day of the sixth month, the Department will generate a DHS-1046A, Potential Food Assistance (FAP) Closure, to the client. BAM 210, p. 13. This reminder notice explains that the client must return the DHS-1046 and all required verifications by the last day of the month, or the case will close. BAM 210, p. 13.

If the client fails to return a complete DHS-1046 by the last day of the sixth month, the Department's system (Bridges) will automatically close the case. BAM 210, p. 13. If the client reapplies, treat it as a new application and Department's system (Bridges) will prorate the benefits. BAM 210, p. 13.

If the completed DHS-1046 and verifications are returned by the last day of the sixth month, the Department process the changes to ensure the client's benefits are available no later than 10 days after their normal issuance date in the seventh month of the benefit period. BAM 210, p. 13.

In the present case, on July 3, 2017, the Department sent Petitioner a contact report, which was due back by August 1, 2017. [Exhibit A, pp. 7-8.] Petitioner did not submit the contact report by August 1, 2017. On August 10, 2017, the Department sent Petitioner a Notice of Potential Food Assistance (FAP) Closure, which notified her that the Department did not receive her contact report and that her FAP benefits would close effective August 31, 2017. [Exhibit A, p. 9.] Petitioner failed to return her contact report by August 31, 2017. As such, effective September 1, 2017, Petitioner's FAP benefits closed due to her failure to return the contact report.

In response, Petitioner testified that she had a scheduled surgery for cancer from [REDACTED] to [REDACTED]. On [REDACTED], Petitioner testified that she was leaving her home for the surgery and had several papers with her, including her contact report. Before she left, Petitioner testified that she left the papers in her home and her friend, who was with her, stated she would grab those papers that included the contact report. Petitioner testified that once she was in the vehicle with her friend on the way to the surgery, she realized her friend picked up the papers, but forgot to take her mail, which included the contact report. Petitioner testified that her friend indicated that they should continue to the surgery and Petitioner's daughter could mail the contact

report for her. When Petitioner returned back home from the surgery on or about [REDACTED], she did not see the contact report where she had left it and assumed that her daughter mailed it. Petitioner testified that she did call the Department on or about August 29, 2017 and/or multiple times, to see if it received the contact report, but did not get any contact back. Then, approximately a month and a half later, Petitioner discovered the contact report was beneath her daughter's bed and realized her daughter never mailed it. Petitioner indicated that her daughter is mentally challenged and disabled and that her daughter could ultimately not have mailed the form due to her disabilities. [Exhibit A, p. 4.] And finally, on October 23, 2017, Petitioner submitted her contact report with the hearing request. [Exhibit A, pp. 7-8.] It should be noted that Petitioner also provided testimony concerning her medical conditions/appointments and her multiple caseworkers. [Exhibit A, pp. 4-5.]


Based on the foregoing information and evidence, the Department properly closed the Petitioner's FAP benefits effective September 1, 2017, in accordance with Department policy. In this case, Petitioner provided testimony concerning how the contact report was not submitted timely due to the circumstances surrounding her scheduled surgery and her daughter's inability to submit the contact report due to her daughter's disabilities. The undersigned acknowledges Petitioner's concerns, but does not find her arguments persuasive to justify a reversal of the Department's action. Petitioner had approximately two months to submit the contact report, which provided her sufficient time to submit the form, but she failed to do so. Moreover, Petitioner claimed that she contacted the Department to see if it received the contact report, but did not get any contact back. However, Petitioner did not provide any documentation and/or witnesses to corroborate her claim that she contacted the Department to inquire as to the status of the contact report. Ultimately, it is the Petitioner's responsibility to cooperate with the Department by completing any necessary forms, including the contact report, in order to determine her ongoing FAP eligibility. See BAM 105, p. 9. And the evidence established that Petitioner failed to submit the contact report by the due date of August 31, 2017. Because Petitioner failed to submit the contact report before the due date, the Department acted in accordance with Department policy when it closed Petitioner's FAP benefits effective September 1, 2017. See BAM 105, p. 9 and BAM 210, pp. 1-13. Petitioner can reapply for FAP benefits.

**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 benefits effective September 1, 2017.

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

EF/nr



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Eric J. Feldman  
Administrative Law Judge  
for Nick Lyon, Director  
Department of Health and Human Services

**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 Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS 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. MAHS will not review any response to a request for rehearing/reconsideration.

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

**DHHS**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Petitioner**

[REDACTED]