



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
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Date Mailed: January 15, 2019
MAHS Docket No.: 18-012906
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler

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 January 10, 2019, from Detroit, Michigan. The Petitioner was self-represented, and appeared with her daughter [REDACTED] as a witness. The Department of Health and Human Services (Department) was represented by Karina Littles, Eligibility Specialist Supervisor, and Deann Jordan, Eligibility Specialist.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) benefits?

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.
2. On August 1, 2018, the Department issued a Mid-Certification Contact Notice to Petitioner with a due date of September 1, 2018.
3. On September 10, 2018, the Department issued a Notice of Potential Food Assistance Closure letter to Petitioner informing her that her case would close effective September 30, 2018, if her Mid-Certification Contact Notice was not completed and returned to the Department by the end of the month.

4. On December 7, 2018, the Department received Petitioner's request for hearing disputing the closure of her FAP benefits and the completed Mid-Certification Contact Notice.

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 Petitioner's FAP case for failure to return the completed Mid-Certification Contact Notice by September 30, 2018. Redetermination, renewal, semi-annual, and mid-certification forms are used to redetermine eligibility of active programs. BAM 210 (January 2018), p. 1. FAP groups that are assigned a 24-month benefit period only require a mid-certification contact in the 12th month. BAM 210, pp. 3, 10-11. Groups that fall within this category must submit a complete Mid-Certification Contact Notice. BAM 210, p. 11. A report is considered complete when all sections are answered completely and required verifications are returned by the client or the client's authorized representative. *Id.* If the form is not logged by the 10th day of the 12th month, Bridges will generate a Potential Food Assistance Closure to the client. BAM 210, p. 13. If the client fails to complete and return the form by the last day of the 12th month, the case is automatically closed by Bridges. *Id.*

Petitioner did not return her Mid-Certification Contact Notice until December 7, 2018, more than two months after it was due. Therefore, the Department's closure of Petitioner's FAP benefits was in accordance with Department policy.

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.

DECISION AND ORDER

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



AMTM/

Amanda M. T. Marler
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) 763-0155; 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

Richard Latimore
MDHHS-Wayne-57-Hearings

Petitioner

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