



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED] MI [REDACTED]

Date Mailed: April 18, 2019  
MAHS Docket No.: 19-002558  
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 April 15, 2019, from Detroit, Michigan. The Petitioner was self-represented and appeared with his sister, [REDACTED], as a witness. The Department of Health and Human Services (Department) was represented by Engrid Daniels.

**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. On January 2, 2019, the Department issued a Mid-Certification Contact Notice to Petitioner at his address of record due back by February 1, 2019.
2. On February 10, 2019, the Department issued a Notice of Potential Food Assistance (FAP) Closure to Petitioner as his address of record informing him that he had not returned his mid-certification form and that if the form was not returned by February 28, 2019, his case would be closed.
3. Effective March 1, 2019, Petitioner's FAP case was closed.
4. On March 7, 2019, the Department received Petitioner's request for hearing disputing the closure of his FAP benefits 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, Petitioner's FAP case was closed for failure to return the Mid-Certification Contact Notice (MCCN). Bridges sends a MCCN to clients with a 24-month benefit period during the eleventh month of their benefit period. BAM 210 (January 2019), pp. 11-12. Policy also provides that if the MCCN is not logged in Bridges by the tenth day of the twelfth month of FAP benefits, Bridges automatically will generate a Potential Food Assistance Closure Notice to the client. BAM 210, p. 13. If a client fails to return a completed MCCN by the last day of the twelfth calendar month, Bridges will automatically close the case. *Id.*

Petitioner and his sister credibly testified that they did not receive the MCCN. However, Petitioner's sister also testified that they received the Notice of Potential Food Assistance Closure and promptly contacted the Department. The Potential Food Assistance Closure Notice was sent 18 days before the case was scheduled to close for failure to return the MCCN. Petitioner's sister even contacted the Department to tell the Department she had not received the MCCN; but at this point, it was Petitioner's responsibility (and hers since she has been assisting him) to ensure that the MCCN was received by the due date. They were informed what was missing, when it was due, and had ample time to return the document. Therefore, closure of the FAP case was in accordance with Department policy. *Id.*

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 for failure to return the MCCN.

**DECISION AND ORDER**

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



AMTM/

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**Amanda M. T. Marler**  
Administrative Law Judge  
for Robert Gordon, 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**

LaClair Winbush  
MDHHS-Wayne-31-Hearings

**Petitioner**

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BSC4  
M Holden  
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