



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: January 23, 2020
MOAHR Docket No.: 19-013237
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 21, 2020 from Detroit, Michigan. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by Adele Sumption, Hearings Facilitator and Eligibility Specialist, and Erika Stoddard, Eligibility Specialist.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) benefits for failure to return the Semi-Annual Contact 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. Petitioner was a FAP recipient based upon a May Application indicating he lived on Auburn Avenue in Holland, Michigan.
2. In early September 2019, Petitioner moved from the Auburn Avenue address but did not notify the Department.
3. On October 1, 2019, the Department mailed a Semi-Annual Contact Report to Petitioner at his address of record on Auburn Avenue with a due date of November 1, 2019.

4. On November 10, 2019, the Department still had not received a completed Semi-Annual Contact Report from Petitioner so a Notice of Food Assistance (FAP) Closure was issued to the Auburn Avenue address informing Petitioner that effective November 30, 2019 his FAP benefits would close.
5. On [REDACTED], 2019, the Department received a new FAP Application from Petitioner listing a new address on Meadolane Court in Holland, Michigan.
6. On December 9, 2019, the Department received Petitioner's request for hearing disputing the closure of his FAP benefits and noting that he had not received notice because he had moved.

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 disputes the closure of his FAP benefits for failure to return the Semi-Annual Contact Report noting that he had moved in his request for hearing. In FAP cases, the Department sends a Semi-Annual Contact Report in the beginning of the fifth month for cases assigned a 12-month benefit period. BAM 210 (October 2019), p. 11. A completed Semi-Annual Contact Report must be submitted by groups with countable earnings. *Id.* The report is considered complete when all sections are answered completely and the verifications are returned to the Department with a signature of the client, or authorized filing representative. *Id.* If the Semi-Annual Contact Report is not entered in Bridges by the tenth day of the sixth month, Bridges automatically generates a Potential Food Assistance (FAP) Closure notice to the client. BAM 210, p. 14. If the documents are not returned by the end of the month, the case is closed. *Id.* Policy also requires that individuals notify the Department about changes in circumstances, including address, within 10 days of the change itself. BAM 105 (October 2019), p. 12.

Petitioner was not aware of the Semi-Annual Contact Report because he failed to notify the Department about his change in address. Even after becoming aware of the form via a text message notification, Petitioner still did not take action to inform the

Department about the change in his address or submit the form to the Department. Furthermore, Petitioner did not ask for assistance in navigating his MiBridges account when he attempted to view the form online. Petitioner's actions resulted in his failure to submit the Semi-Annual Contact Report by the due date. Therefore, the Department acted in accordance with policy when it closed Petitioner's FAP case for failure to return a completed Semi-Annual Contact Report.

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 completed Semi-Annual Contact Report.

DECISION AND ORDER

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



AMTM/jaf

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 Office of Administrative Hearings and Rules (MOAHR).

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

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

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

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

DHHS (via electronic mail)

Fiona Wicks
MDHHS-Ottawa-Hearings
BSC3
M Holden
D Sweeney

Petitioner (via first class mail)

[REDACTED]
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