



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

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

Date Mailed: July 15, 2022  
MOAHR Docket No.: 22-002588  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Linda Jordan**

### **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 hearing was held on July 13, 2022 via teleconference. Petitioner appeared and represented herself. Raven Douthard, Hearings Coordinator, appeared on behalf of the Michigan Department of Health and Human Services (MDHHS or Department).

### **ISSUE**

Did MDHHS properly terminate 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 recipient of FAP benefits.
2. On April 1, 2022, MDHHS sent Petitioner a Mid-Certification Contact Notice, which instructed Petitioner to complete her annual review (Exhibit A, p. 6). The notice indicated that Petitioner was required to return the form and all required proofs by April 21, 2022 or her benefits would be terminated (Exhibit A, p. 6).
3. On May 10, 2022, MDHHS sent Petitioner a Notice of Food Assistance (FAP) Closure indicating that her FAP case would be closed, effective May 31, 2022, for failure to complete the Mid-Certification Contact form (Exhibit A, p. 11).
4. On May 26, 2022, Petitioner contacted MDHHS regarding the closure notice and MDHHS mailed her another copy of the Mid-Certification Contact Notice and

advised that it had to be completed and returned by May 31, 2022 in order to prevent case closure (Exhibit A, p. 1).

5. On June 13, 2022, MDHHS received the completed Mid-Certification Contact form from Petitioner (Exhibit A, p. 13).
6. On [REDACTED] 2022, Petitioner requested a hearing to challenge the closure of her FAP benefits (Exhibit A, p. 3).

### **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. MDHHS 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 filed a hearing request to challenge MDHHS' decision to terminate her FAP benefits. The record shows that MDHHS terminated Petitioner's FAP benefits, effective May 31, 2022, for failure to complete and return the Mid-Certification Contact form by the deadline.

MDHHS is required to periodically redetermine or renew an individual's eligibility for active benefit programs, including FAP. BAM 210 (April 2022), p. 1. A FAP group loses its right to uninterrupted FAP benefits if it fails to file the FAP redetermination by the timely filing date, fails to participate in the scheduled interview or fails to submit verifications timely. BAM 210, p. 22. FAP groups assigned a 24-month benefit period require a mid-certification contact in the 12th month of the benefit period. *Id.*, p. 3. MDHHS is required to send the Mid-Certification Contact Notice during the 11th month of the client's benefit period. *Id.*, p. 11. If the Mid-Certification Contact Notice is not returned by the 10th day of the 12th month, MDHHS must send the client a Notice of Food Assistance (FAP) Closure form. *Id.*, p. 14. If the client fails to return the form by the last day of the 12th month, MDHHS will close the client's FAP case. *Id.* After case closure, the client may reapply and MDHHS will treat it as a new application and prorate the benefits. *Id.*

Here, MDHHS introduced evidence that it sent Petitioner the Mid-Certification Contact Notice on April 1, 2022, with a due date of April 21, 2022 (Exhibit A, p. 13). Petitioner testified that she received the Mid-Certification Contact Notice, filled it out and mailed it

back to MDHHS. MDHHS stated that it did not receive the Mid-Certification Contact form from Petitioner. Because it had not received the completed form from Petitioner, MDHHS mailed the Notice of Food Assistance (FAP) Closure on May 10, 2022, which indicated that Petitioner's FAP benefits would be closed effective May 31, 2022 (Exhibit A, p. 11). Petitioner contacted MDHHS on May 26, 2022 and MDHHS informed Petitioner that it had not received the Mid-Certification Contact form, mailed her a new copy and advised that it must be completed and returned by May 31, 2022, to prevent case closure. MDHHS received the completed Mid-Certification Contact form from Petitioner on June 13, 2022.

MDHHS properly closed Petitioner's FAP case because it did not receive the Mid-Certification Contact form from Petitioner before May 31, 2022, which was the last day of the 12th month of her benefit period. Pursuant to policy, MDHHS was required to close Petitioner's case on May 31, 2022. BAM 210, p. 14. Although Petitioner testified that she mailed the Mid-Certification Contact form to MDHHS right after she received it, she could not provide any specific information regarding the date that she sent it or any documentary evidence to show that she sent in the form. Additionally, MDHHS testified that it advised Petitioner that it needed to receive the form before May 31, 2022 to prevent the closure of her case and she failed to do so. No evidence was presented that Petitioner requested assistance from MDHHS and MDHHS failed to assist her. Petitioner was advised at the hearing to submit a new FAP application.

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 MDHHS acted in accordance with Department policy when it closed Petitioner's FAP case.

### **DECISION AND ORDER**

Accordingly, MDHHS' decision is **AFFIRMED**.



---

**Linda Jordan**  
Administrative Law Judge

LJ/tm

