



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR



Date Mailed: November 17, 2022
MOAHR Docket No.: 22-004794
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 10, 2022. The Petitioner represented herself. The Department of Health and Human Services (Department) was represented by Amber Gibson, Hearing Facilitator.

ISSUE

Did the Department properly allow the Petitioner's Food Assistance Program (FAP) case to close due to the Petitioner's failure to return required verification to determine continued FAP eligibility?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Petitioner was a recipient of FAP benefits with a Semi-Annual Contact Report due.
2. On August 1, 2022, the Department Caseworker sent the Petitioner a Semi-Annual Contact Report that was due back to the Department on August 22, 2022. Department Exhibit 1, pgs. 4-8.
3. On September 10, 2022, the Department Caseworker sent the Petitioner a Notice of FAP Closure, DHS 1046-A, that effective September 30, 2022, the Petitioner's FAP case will be closed because she did not complete her Semi-Annual Contact or required information and to contact her specialist if she needed replacement

forms or had questions. She could complete the Semi-Annual Contact form prior to the end of the month to maintain FAP benefits. Department Exhibit 1, pgs. 9-10.

4. On October 4, 2022, the Department received a hearing request from the Petitioner, contesting the Department's negative action.

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 Petitioner was a recipient of FAP benefits with a Semi-Annual Contact Report due. On August 1, 2022, the Department Caseworker sent the Petitioner a Semi-Annual Contact Report that was due back to the Department on August 22, 2022. Department Exhibit 1, pgs. 4-8. On September 10, 2022, the Department Caseworker sent the Petitioner a Notice of FAP Closure, DHS 1046-A, that effective September 30, 2022, the Petitioner's FAP case will be closed because she did not complete her Semi-Annual Contact or required information and to contact her specialist if she needed replacement forms or had questions. She could complete the Semi-Annual Contact form prior to the end of the month to maintain FAP benefits. Department Exhibit 1, pgs. 9-10. On October 4, 2022, the Department received a hearing request from the Petitioner, contesting the Department's negative action. BAM 130, 210, and 220.

During the hearing, the Petitioner stated that she did not receive the Semi-Annual Contact Report. She did receive the hearing notice and the notice that her FAP case would close on September 30, 2022, if she did not complete the Semi-Annual Contact Report. The Petitioner stated that she called the Department Caseworker repeatedly needing clarification, but she did not receive a call back. Her benefits ended on September 30, 2022. The Petitioner never submitted a completed Semi-Annual Contact Report by September 30, 2022, so her FAP benefits expired. The Petitioner reapplied for benefits on October 18, 2022.

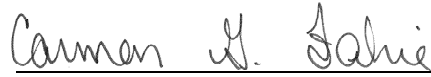
DECISION AND ORDER

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 allowed the Petitioner's FAP benefits to expire on September 30, 2022, because the Petitioner failed to submit the required Semi-Annual Contact Report form by September 30, 2022.

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

CF/cc



Carmen G. Fahie
Administrative Law Judge

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

Via-Electronic Mail :

Interested Parties

MDHHS-Ingham-Hearings
BSC2-HearingDecisions
D. Sweeney
M. Holden
MOAHR

Via-First Class Mail :

Petitioner

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