



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
ACTING DIRECTOR

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

Date Mailed: September 15, 2023
MOAHR Docket No.: 23-004441
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on September 12, 2023, from Lansing, Michigan. Petitioner represented herself. The Department was represented by DeQuaina McClain.

ISSUE

Did the Department of Health and Human Services (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 Food Assistance Program (FAP) recipient on May 1, 2023, then the Department sent her a Semi-Annual Contact Report (MDHHS-1046) with a May 22, 2023, due date. Exhibit A, p 8.
2. Department records indicate that verification of a utility bill and income was received on May 17, 2023, but that the Semi-Annual Contact Report was not returned by the May 22, 2023, due date. Exhibit A, p 20.
3. Department records indicate that the Semi-Annual Contact Report was not returned by the May 22, 2023, due date. Exhibit A, p 20.
4. On June 10, 2023, the Department sent Petitioner a Notice of Food Assistance (FAP) Closure (DHS-1046-A) instructing her that her FAP case would be closed

effective June 30, 2023, because she failed to return a completed Semi-Annual contact form, but that a replacement form could be requested. Exhibit A, p 18.

5. On July 14, 2023, the Department received a completed copy of Petitioner's Semi-Annual Contact Report (MDHHS-1046) signed by Petitioner on July 7, 2023. Exhibit A, pp 14-16.
6. On August 1, 2023, the Department received Petitioner's request for a hearing protesting the closure of her Food Assistance Program (FAP) benefits. Exhibit A, pp 3-5.

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) is funded under the federal Supplemental Nutrition Assistance Program (SNAP) established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 through 7 USC 2036a. It is implemented by the federal regulations contained in 7 CFR 273. The Department administers FAP pursuant to MCL 400.10 of the Social Welfare Act, MCL 400.1 *et seq*, and Mich Admin Code, R 400.3001 through 400.3011.

Clients must cooperate with the local office in determining initial and ongoing eligibility and this includes the completion of necessary forms. Department of Human Services Bridges Assistance Manual (BAM) 105 (July 1, 2023), p 9.

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. The Department uses documents, collateral contacts, or home calls to verify information. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. When documentation is not available, or clarification is needed, collateral contact may be necessary. Department of Human Services Bridges Assistance Manual (BAM) 130 (January 1, 2023), pp 1-10.

Petitioner was an ongoing FAP recipient when the Department initiated a routine review of her eligibility for ongoing benefits by sending her a Semi-Annual Contact Report and requesting that Petitioner complete the form and return it by May 22, 2023. When that form was not returned by the due date, the Department sent Petitioner a Food Assistance (FAP) Closure notice instructing her that her FAP case would close effective June 30, 2023.

On May 17, 2023, the Department had received a copy of a utility bill and income verification documents submitted by Petitioner, but no evidence that Petitioner submitted the Semi-Annual Contact Report in a timely manner.

Reinstatement restores a closed program to active status without completion of a new application. Closed programs may be reinstated for complying with program requirements before the negative action date. Department of Health and Human Services Bridges Administrative Manual (BAM) 205 (January 1, 2018), p 1.

Petitioner failed to return the completed Semi-Annual Contact Report in a timely manner, the Department properly closed Petitioner's FAP benefits effective June 30, 2023. Since Petitioner failed to comply with program requirements by returning the Semi-Annual Contact Report before the negative action date, which was the effective date her benefits closed, reinstatement of Petitioner's FAP benefits was no longer appropriate.

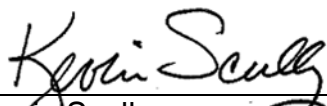
Petitioner argues that she returned the Semi-Annual Contact Report on May 17, 2023, along with other verification forms, but she was unable to present any evidence that she returned that form in a timely manner.

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 Food Assistance Program (FAP) benefits due to her failure to provide the Department with information necessary to determine her eligibility to receive benefits.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/nr



Kevin Scully
Administrative Law Judge
Michigan Office of Administrative Hearings
and Rules (MOAHR)

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 :

DHHS

Denise Key-McCoggle
Wayne-Greydale-DHHS
27260 Plymouth Rd
Redford, MI 48239

**MDHHS-Wayne-15-Greydale-
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Interested Parties

Wayne 15 County DHHS
BSC4
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Via-First Class Mail :

Petitioner

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