



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

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

MARLON I. BROWN, DPA
ACTING DIRECTOR

Date Mailed: February 23, 2024
MOAHR Docket No.: 24-000416
Agency No.: [REDACTED]
Petitioner: [REDACTED]

[REDACTED] MI [REDACTED]

ADMINISTRATIVE LAW JUDGE: Caralyce M. Lassner

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 by telephone on February 15, 2024. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Avery Smith, Assistance Payment Manager.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) case effective December 31, 2023 for Petitioner's failure to complete the Semi-Annual Contract 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. On [REDACTED] 2023 Petitioner applied for FAP benefits. On August 10, 2023 Petitioner's application for FAP benefits was approved with an effective date of July 19, 2023. (Exhibit 1, pp. 1 – 2).
2. On November 1, 2023, the Department issued Petitioner a Semi-Annual Contact Report (semi-annual review), which indicated that Petitioner must return the completed report to the Department by November 21, 2023 and that if Petitioner failed to return the completed document her FAP benefits would end. (Exhibit A, pp. 5 – 9).

3. On December 10, 2023, the Department issued a Notice of Food Assistance (FAP) Closure, effective December 31, 2023, to Petitioner due to Petitioner's failure to return her completed semi-annual review. (Exhibit A, pp. 10 – 11).
4. On January 2, 2024, Petitioner submitted a request for hearing to the Department disputing that she was due for a semi-annual review and the related closure of her FAP case. (Exhibit A, pp. 3 – 4).

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.

Petitioner submitted a request for hearing to the Department on January 2, 2024, disputing that she was due for a semi-annual review and the closure of her FAP case due to her failure to complete the semi-annual review. (Exhibit A, pp. 3 – 4). The Department issued a Notice of Food Assistance (FAP) Closure to Petitioner on December 10, 2023, with an effective date of December 31, 2023, based on Petitioner's failure to complete her semi-annual review. (Exhibit A, pp. 10 – 11).

When a group is actively receiving FAP benefits, the Department must periodically redetermine or renew an individual's eligibility for active programs and will do so through redetermination, renewal, semi-annual, and mid-certification forms. BAM 210 (October 2023), p. 1. The Department manages this requirement through the use of Bridges. Bridges is an automated computer software system utilized by the Department to improve services delivery and uniformity. BPG Glossary (January 2022), p. 9. Bridges sets the redetermination or renewal date according to benefit periods in individual cases. BAM 210, p. 3. Clients must cooperate with the local office in determining initial and ongoing eligibility and this includes the completion of necessary forms. BAM 105 (October 2023), p. 7.

The semi-annual contact report must be recorded, data collection updated, and EDBC results certified in Bridges by the last day of the sixth month of the benefit period to affect benefits no later than the seventh month. The contact is met by receipt of a completed MDHHS-1046 and required verifications. BAM 210, p. 12. When a semi-annual review is required, a Semi-Annual Contact Report is automatically generated

and issued through Bridges on behalf of the Department. If the Semi-Annual Contact Report is not returned to the Department by the 10th day of the required month, a notice of FAP closure is generated automatically by Bridges, which notifies the individual that if the Semi-Annual Contact Report is not returned by the last day of that month, the FAP case will be closed. BAM 210, p. 14. If the Semi-Annual Contact Report is still not returned by the last day of that month, Bridges automatically closes the client's case. BAM 210, p. 14. In this situation, the client may reapply for FAP benefits. BAM 210, p. 14.

In this case, the Department initiated a routine review of Petitioner's eligibility for ongoing benefits on November 1, 2023, through Bridges, by sending her a Semi-Annual Contact Report and requesting that Petitioner complete the form and return it by November 21, 2023. When that form was not returned by the due date, the Department sent Petitioner a notice, through Bridges, on December 10, 2023, advising her FAP case would close effective December 31, 2023. (Exhibit A, pp. 5 – 11). Petitioner failed to return the completed Semi-Annual Contact Report by December 31 and her FAP certification period ended automatically on December 31, 2023. (Exhibit A, p. 1).

Petitioner testified that she did not return the Semi-Annual Contact Report because less than six (6) months had elapsed since her application date and therefore it was inappropriate for the Department to require her to complete it. Petitioner applied for FAP benefits on [REDACTED] 2023 and was approved on August 10, 2023 with an effective date of July 19, 2023. (Exhibit 1, pp. 1 – 2). Petitioner also reapplied for FAP benefits on August 7, 2023, at the direction of a Department worker, while her [REDACTED] 2023 application was still pending. (Exhibit 1, pp. 9 – 18). Petitioner argued that the six (6) month period starts on the date of her most recent application, August 7, 2023 and she should not be required to complete a semi-annual review until February 1, 2024 based on her application of August 7, 2023. Petitioner testified that she has concerns that she is being personally singled out by the Department and required to complete various steps that are not required of other FAP applicants. The Department testified that once FAP benefits have been approved, Bridges automatically generates whichever redetermination or review forms are necessary based on the initial approval and information entered into Bridges in an individual's case.

Because Petitioner applied on [REDACTED] 2023 and was approved for FAP benefits effective July 19, 2023, her FAP one-year certification period ran from July 19, 2023 to June 30, 2024. See BAM 115 (January 2023), p. 28. This is consistent with the information on the August 10, 2023 NOCA as well as evidence presented by the Department (Exhibit 1, p. 1; Exhibit A, p. 12). Although Petitioner reapplied for FAP on August 7, 2023, the Department testified that policy requires that when a second application is submitted within thirty (30) days of another application that is still being evaluated, the second application is not processed, which is consistent with and in accordance with policy. BAM 115 (January 2023). This policy was beneficial to Petitioner in this case as her FAP benefits were based on the July application date and when approved, were allotted from that application date forward, consistent with BAM 115, p. 26.


Because Petitioner's certification period began July 2023, the sixth month is December 2023. Because Petitioner did not submit a completed semi-annual contact report to the Department by December 31, 2023, which is the end of the sixth month, the Department was required to close Petitioner's FAP case.

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 effective December 31, 2023.

DECISION AND ORDER

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

CL/ml



Caralyce M. Lassner
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:

DHHS
Yaita Turner
Oakland County Southfield District III
25620 W. 8 Mile Rd
Southfield, MI 48033
MDHHS-Oakland-6303-Hearings@michigan.gov

Interested Parties

BSC4
M Holden
B Cabanaw
N Denson-Sogbaka

Via First Class Mail:

Petitioner

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