



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  
DIRECTOR

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

Date Mailed: April 10, 2024  
MOAHR Docket No.: 24-002156  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness**

### **HEARING DECISION**

On March 5, 2024, Petitioner, [REDACTED], requested a hearing to dispute a Food Assistance Program (FAP) closure. As a result, a hearing was scheduled to be held on April 4, 2024, pursuant to MCL 400.9, 7 CFR 273.15, and Mich Admin Code, R 792.11002. Petitioner appeared and represented herself. Respondent, Department of Health and Human Services (Department) received notice of the hearing but did not appear. The hearing was held in Respondent's absence after waiting for Respondent for 15 minutes.

A 12-page packet of documents provided by Respondent was admitted as Exhibit A.

### **ISSUE**

Did the Department properly close Petitioner's 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. On January 2, 2024, the Department mailed a Semi-Annual Contact Report to Petitioner at: [REDACTED] MI [REDACTED]. The form instructed Petitioner to complete the form and return it to the Department by January 22, 2024. The form further instructed Petitioner that her FAP benefits would end if she did not submit the form.
2. Petitioner did not receive the January 2, 2024, Semi-Annual Contact Report.
3. On February 10, 2024, the Department mailed a Notice of FAP Closure to Petitioner to notify her that her FAP case would be closed effective February 29, 2024, because she failed to return the completed Semi-Annual Contact Report as instructed.

4. Petitioner's FAP case closed on February 29, 2024.
5. On March 5, 2024, Petitioner requested a hearing to dispute the Department's decision to close her FAP case.

### **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 FAP 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 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 requested a hearing to dispute the Department's decision to close her FAP benefits. Based on the evidence, the Department closed Petitioner's FAP benefits for failing to timely submit the Semi-Annual Contact Report as instructed, however, the mailing address of: [REDACTED] MI [REDACTED] was Petitioner's incomplete mailing address. Because the Department did not send the January 2, 2024, Semi-Annual Contact Report to Petitioner's complete mailing address, Petitioner did not receive it. Therefore, Petitioner did not fail to cooperate with the Department in providing information needed to redetermine her FAP eligibility, and the Department's decision to close Petitioner's FAP case is reversed.

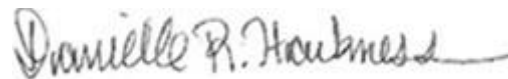
**DECISION AND ORDER**

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 did not properly close Petitioner's FAP benefits effective February 29, 2024.

IT IS ORDERED the Department's decision is **REVERSED**.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Redetermine Petitioner's eligibility for FAP benefits beginning March 1, 2024.



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**Danielle R. Harkness**  
Administrative Law Judge

DH/pt

**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**

Trista Waishkey  
Washtenaw County DHHS  
22 Center Street  
Ypsilanti, MI 48198

**MDHHS-Washtenaw-Hearings@michigan.gov**

**Interested Parties**

BSC4

M Holden

B Cabanaw

N Denson-Sogbaka

MOAHR

**Via-First Class Mail:**

**Petitioner**

[REDACTED]

[REDACTED]

[REDACTED] MI [REDACTED]