



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], MI

Date Mailed: April 23, 2024  
MOAHR Docket No.: 24-002865  
Agency No.: [REDACTED]  
Petitioner: [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 April 17, 2024. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Anjeleise McKinley, Eligibility Specialist.

### **ISSUE**

Did the Department properly close Petitioner's Food Assistance Program (FAP) case effective March 1, 2024?

### **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 for a group of two.
2. On January 2, 2024, the Department mailed a Semi-Annual Contact Review (renewal application) to Petitioner, concerning her FAP benefits, to be completed and returned to the Department by January 22, 2024. (Exhibit A, pp. 8 – 12).
3. On January 19, 2024, the Department mailed another copy of the renewal application to Petitioner.
4. On February 10, 2024, the Department mailed a Notice of Food Assistance Closure to Petitioner, stating that it had not received Petitioner's completed

renewal application and, as a result, Petitioner's FAP case would be closed effective February 29, 2024. (Exhibit A, pp. 14 – 15).

5. On March 12, 2024, the Department received a request for hearing from Petitioner, in which Petitioner disputed the closure of her FAP case and stated that she returned her renewal application. (Exhibit A, pp. 4 – 6).
6. On March 28, 2024, Petitioner submitted a new application for FAP benefits and was approved for benefits from that date forward.

### **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 requested a hearing to dispute the closure of her FAP case, asserting that she returned her renewal application in a timely manner. Prior to the hearing, Petitioner submitted a new application for FAP and was approved for benefits, effective March 28, 2024. Petitioner's only remaining concern is for her FAP benefits for the period of March 1, 2024 through March 27, 2024.

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 (January 2024), p. 1. Benefits stop at the end of the benefit period unless the renewal is completed and a new benefit period is certified. BAM 210, p. 4.

In this case, Petitioner was due for a semi-annual review of her FAP case. The Department sent a renewal application to Petitioner on January 2, 2024 for renewal of Petitioner's FAP assistance<sup>1</sup>. (Exhibit A, pp. 8 – 12). As of February 10, 2024, the Department had no record that the renewal application had been returned, and sent Petitioner a notice of case closure, stating that unless it received a renewal application, Petitioner's FAP case would be closed effective February 29, 2024. (Exhibit A, pp. 14 – 15).

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<sup>1</sup> The Department also testified that a second copy of the renewal application was mailed to Petitioner on January 19, 2024.

In contrast to the Department's assertions, Petitioner testified that she returned her renewal application to the Department, in person, and prior to January 22, 2024, but could not recall the date. Petitioner acknowledged that she received the notice of case closure and testified that in response to the letter, she called the Department multiple times and went to her local Department office in person three times. She further testified that she did not request, and was not offered, a renewal application to complete when she was at the local office.

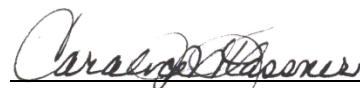
In response to Petitioner's testimony, the Department confirmed that Petitioner came to the local office on March 7 and March 21, both dates after her case had closed, but did not have a record of a third visit to the local office by Petitioner. The Department also testified that the last document it received from Petitioner, prior to the request for hearing she submitted on March 12, 2024, was October 10, 2023.

While Petitioner testified in earnest, in the absence of additional evidence from Petitioner in support of the timing of her visits to the local office, the Department's records, which reflect that Petitioner did not visit the local office prior to the closure of her FAP case, are found to be the most reliable information available. Therefore, 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 policy when it closed Petitioner's FAP case, effective February 29, 2024, for failure to return her FAP renewal application.

**DECISION AND ORDER**

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

CML/nr



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**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**  
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  
M. Holden  
N. Denson-Sogbaka  
B. Cabanaw  
MOAHR

**Via-First Class Mail :**

**Petitioner**  
[REDACTED]  
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