



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 [REDACTED]

Date Mailed: July 9, 2024
MOAHR Docket No.: 24-006180
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 July 1, 2024. Petitioner appeared and represented himself. The Department of Health and Human Services (Department) was represented by Krista Kulick, Assistance Payments Lead Worker.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) for failure to return a Semi-Annual Contact 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. Petitioner was an ongoing recipient of FAP benefits for a group of one.
2. On March 1, 2024, the Department sent Petitioner a Semi-Annual Contact Report (SACR) to be completed and returned by March 21, 2024. (Exhibit A, pp. 7 – 11).
3. On April 10, 2024, the Department sent Petitioner a notice of closure advising Petitioner it did not receive the completed SACR and that, if it was not returned to the Department by April 30, 2024, Petitioner's FAP case would be closed. (Exhibit A, pp. 13 – 14).

4. The Department did not receive Petitioner's completed SACR by April 30, 2024 and closed Petitioner's FAP case. (Exhibit A, p. 12).
5. On May 24, 2024, the Department received a request for hearing from Petitioner disputing the closure of his FAP case. (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) [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 closure of his FAP case. The Department closed Petitioner's FAP case on April 30, 2024 because he didn't return the SACR.

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, among other things, a SACR. BAM 210 (January 2024), p. 1. When a SACR is sent to the client, ongoing eligibility must be certified by the last day of the sixth month of the current benefit period for benefits to continue. BAM 210, pp. 12, 22 – 24. If the SACR is not returned to the Department timely, a notice of FAP closure is sent to the client and notifies the individual that if the SACR is not returned by the last day of that month, the FAP case will be closed. BAM 210, p. 14. If the SACR is still not returned by the last day of that month, the client's FAP case is closed. BAM 210, p. 14. When this happens, the client may reapply for FAP benefits. BAM 210, p. 14.

In this case, the Department sent Petitioner a SACR on March 1, 2024 with a due date of March 21, 2024. (Exhibit A, pp. 7 – 11). The Department testified that the SACR was not returned by March 21, 2024 and it sent Petitioner a notice on April 10, 2024 advising him that his FAP case would close effective April 30, 2024 unless it received the completed SACR. (Exhibit A, pp. 13 – 14).

At the hearing, Petitioner initially explained that he did not return the SACR because he was sick and hospitalized with COVID in April 2024 and, as a result, did not receive his mail, but later testified that he returned something to the Department in person in February or March 2024. However, Petitioner was unable to provide clarity as to his testimony and the evidence established that the Department received proof of

Petitioner's pension on February 1, 2024 and a medical needs document on March 11, 2024 but had no record of receiving the SACR from Petitioner. (Exhibit A, p. 12). Because there was no evidence that established that Petitioner returned the completed SACR by April 30, 2024, the Department properly closed Petitioner's FAP. (Exhibit A, p. 1).

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 when he failed to return the SACR to the Department on or before April 30, 2024.

DECISION AND ORDER

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

CML/nr



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

Vivian Worden
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Interested Parties

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M. Holden
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MOAHR

Via-First Class Mail :

Petitioner

[REDACTED]
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