



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], MI [REDACTED]

Date Mailed: July 19, 2024
MOAHR Docket No.: 24-006734
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 via telephone conference line on July 11, 2024. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Rebecca Scott, specialist. Maher Eleia of Linguistica International participated as an Arabic-English translator.

ISSUE

The issue is whether MDHHS properly terminated Petitioner's Food Assistance Program (FAP) eligibility.

FINDINGS OF FACT

The administrative law judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. As of February 2024, Petitioner was an ongoing FAP recipient with a benefit period certified through March 2024.
2. On February 1, 2024, MDHHS mailed Petitioner a Semi-Annual Contact Report (SACR) with a due date of February 21, 2024.
3. On February 7, 2024, Petitioner returned to MDHHS a completed SACR signed by Petitioner on February 5, 2024.

4. On March 10, 2024, MDHHS mailed Petitioner a Notice of Food Assistance Program (FAP) Closure letter.
5. Beginning April 2024, MDHHS terminated Petitioner's FAP eligibility.
6. On April 26, 2024, Petitioner requested a hearing to dispute the termination of FAP benefits.

CONCLUSIONS OF LAW

The 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. MDHHS administers the FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-119b, and Mich Admin Code, R 400.3001-.3011. FAP policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing to dispute a termination of FAP benefits.¹ Exhibit A, pp. 4-6. A Notice of Food Assistance (FAP) Closure form dated March 10, 2024, stated that Petitioner's FAP eligibility would end March 31, 2024, due to Petitioner's failure to return a SACR. Exhibit A, pp. 11-12.

For all programs, a complete redetermination is required at least every 12 months. BAM 210 (November 2021) p. 3. A complete SACR must be submitted by groups with countable earnings and a 12-month benefit period. *Id.*, p. 11. Bridges, the MDHHS database, automatically sends an SACR at the beginning of the fifth month for cases assigned a 12-month benefit period. *Id.* If MDHHS does not receive the SACR by the 10th day of the sixth month, a Notice of Food Assistance (FAP) Closure is sent; this reminder notice explains that the client must return the SACR and all required verifications by the last day of the month, or the case will close. *Id.*, p. 14. If the SACR is not received by the last working day of the redetermination month, MDHHS is to close the case without further written notice to the client. *Id.*

MDHHS sent Petitioner a SACR on February 1, 2024. MDHHS testified that Petitioner did not return the SACR before the end of the benefit period ending March 2024. MDHHS also testified that its database failed to show Petitioner's completed SACR as being received before April 2024. However, there are occasions when its database is inaccurate such as when documents are lost, not properly scanned into its database, or not assigned to the correct client.

¹ This was Petitioner's second hearing request. Petitioner also requested a hearing under docket no. 24-004295. Exhibit A, pp. 13-16. Petitioner failed to attend the hearing and the matter was dismissed. Exhibit A, pp. 17-18. MDHHS contended that Petitioner's failure to attend the first hearing barred him from requesting a hearing about the same issue. Res judicata is a legal concept prohibiting litigation of the same issue; res judicata does not apply to the present case because Petitioner's dispute in the present case was never litigated.

Petitioner testified he submitted to MDHHS a completed SACR shortly after receiving it in February 2024. Petitioner also testified that he kept a copy of the completed SACR. Exhibit A, pp. 7-9. Petitioner's testimony was consistent with a copy of the SACR signed by Petitioner on February 5, 2024. Petitioner's testimony was also consistent with his hearing request which also claimed that he submitted a SACR to MDHHS in February 2024.

Petitioner's testimony would have been more persuasive if Petitioner's SACR included a MDHHS date stamp. Many MDHHS offices offer a date stamp to clients so that clients can more credibly verify that a document was submitted. Unfortunately, MDHHS testimony acknowledged that Petitioner's assigned MDHHS office no longer offers a date stamp in its lobby.

Given the evidence, Petitioner timely submitted to MDHHS a completed SACR on February 7, 2024. Thus, MDHHS improperly terminated Petitioner's FAP eligibility beginning April 2024. As a remedy, Petitioner is entitled to a processing of the SACR already received by MDHHS.²

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS improperly terminated Petitioner's FAP eligibility. It is ordered that MDHHS commence the following actions within 10 days of the date of mailing of this decision:

- (1) Reprocess Petitioner's FAP eligibility beginning April 2024 subject to the finding that MDHHS received Petitioner's SACR on February 7, 2024; and
- (2) Issue notice and supplements, if any, in accordance with policy.

The actions taken by MDHHS are **REVERSED**.

CG/nr



Christian Gardocki
Administrative Law Judge

² It was not disputed that Petitioner submitted his copy of the SACR to MDHHS on April 26, 2024, after MDHHS requested a copy "for review". Exhibit A, p. 1. The evidence was not clear why MDHHS requested a copy of the SACR if it seemingly had no intention to review or process it.

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
Tracy Felder
Wayne-Southwest-DHHS
2524 Clark Street
Detroit, MI 48209
MDHHS-Wayne-41-Hearings@michigan.gov

Interested Parties

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M. Holden
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MOAHR

Via-First Class Mail :

Petitioner

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