



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

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Date Mailed: April 14, 2022
MOAHR Docket No.: 22-000808
Agency No.: ██████████
Petitioner: ██████████

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 April 11, 2022. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Sonya Baker, supervisor

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 December 2021, Petitioner was an ongoing FAP recipient with a benefit period certified through January 2022.
2. On December 4, 2021, MDHHS mailed Petitioner a Semi-Annual Contact Report (SACR) with a due date of December 22, 2021.
3. On ██████████ 2022, MDHHS mailed Petitioner a Notice of Food Assistance Program (FAP) Closure letter.
4. As of February 1, 2022, Petitioner had not submitted a completed SACR to MDHHS.

5. On March 2, 2022, 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. Exhibit A, pp. 3-4. A Notice of Food Assistance (FAP) Closure form dated [REDACTED] 2022, stated that Petitioner's FAP eligibility would end [REDACTED] 2022 due to Petitioner's failure to return a SACR. Exhibit A, pp. 16-17. MDHHS testified that Petitioner's FAP eligibility indeed ended after a SACR was not received until March 2022. Exhibit A, pp. 12-14.

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 notice to the client. *Id.*

MDHHS sent Petitioner a SACR on December 4, 2021. Exhibit A, pp. 6-10. MDHHS credibly testified that Petitioner did not return the SACR by the due date of December 22, 2021, the closure notice date of January 10, 2022, or the end of the benefit period on January 31, 2022. MDHHS's testimony was consistent with comments on Petitioner's case which did not document receipt of an SACR until a hearing was requested. The comments also did not document any communication from Petitioner until he requested a hearing.

Petitioner's hearing request stated that he submitted a completed SACR to MDHHS on December 20, 2021. Exhibit A, p. 4. Petitioner testified that the SACR was submitted through his MiBridges app. Petitioner provided no corroboration for his claim despite it presumably being readily available on his cell phone. Petitioner also contradicted his claim of a timely SACR submission by testifying he does not often check his mail and that the SACR was sent by MDHHS late.

Given the evidence, Petitioner failed to timely submit an SACR to MDHHS before February 2022. Thus, MDHHS properly terminated Petitioner's FAP eligibility beginning

██████ 2022. As discussed during the hearing, Petitioner's recourse is to reapply for FAP benefits.¹

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly terminated Petitioner's FAP eligibility beginning ██████ 2022. The actions taken by MDHHS are **AFFIRMED**.

CG/mp


Christian Gardocki
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

¹ Petitioner claimed that he did reapply. MDHHS denied receiving Petitioner's application.

Email Recipients:

DHHS-Wayne-15-Greydale-Hearings
D. Sweeney
M. Holden
MOAHR
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First-Class Mail Recipient:

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