



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: June 15, 2022
MOAHR Docket No.: 22-002125
Agency No.: ██████████
Petitioner: ██████████ ██████████

ADMINISTRATIVE LAW JUDGE: Danielle Nuccio

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 telephone hearing was held on June 9, 2022. The Petitioner was represented by his Authorized Hearing Representative (AHR), ██████████ ██████████. The Department of Health and Human Services (MDHHS) was represented by Haysem Hosny, Hearing Coordinator.

ISSUE

Did MDHHS properly close Petitioner's Food Assistance Program (FAP) case for failure to return the mid-certification form?

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.
2. Petitioner filed with MDHHS the mailing address ██████████ ██████████, ██████████ ██████████ MI ██████████ (AHR Home).
3. On March 1, 2022, MDHHS issued a Mid-Certification Contact Notice to Petitioner, requesting that he submit the completed form by March 21, 2022. The Notice was sent to AHR Home (Exhibit B, pp. 1-5).
4. Petitioner did not return the Mid-Certification Contact Notice to MDHHS.
5. On April 10, 2022, MDHHS issued a Notice of FAP Closure to Petitioner, informing him that his FAP case was closed, effective ██████████, 2022, for failure to return a completed Mid-Certification Contact Notice (Exhibit A, pp. 8-9).

6. On May 12, 2022, MDHHS received Petitioner's timely submitted request for hearing, stating that he never received a Mid-Certification Contact Notice or Notice of Closure (Exhibit A, pp. 4-5).

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.

In this case, Petitioner disputes the closure of his FAP case for failure to return the Mid-Certification Contact Notice. The AHR testified that Petitioner did not receive the Mid-Certification Contact Notice or the Notice of FAP Closure.

Certain FAP groups are assigned a 24-month benefit period and require only a mid-certification contact in the 12th month. BAM 210 (November 2021), pp. 1, 3. FAP groups assigned a 24-month benefit period **must** submit a complete Mid-Certification Contact Notice. The report is considered complete when all of the sections, including the signature section, are answered completely and required verifications are returned by the client or client's authorized representative. BAM 210, pp. 11-12 (Emphasis added). If MDHHS does not receive the completed Mid-Certification Contact Notice by the tenth day of the twelfth month, then a Notice of Food Assistance (FAP) Closure, will be sent to the client. This notice explains that the client must return the Mid-Certification Contact Notice and all required verifications by the last day of the month, or the case will close. If the client fails to return a complete Mid-Certification Contact Notice by the last day of the twelfth month, then the MDHHS system (Bridges) will automatically close the case. If the client reapplies, MDHHS will treat it as a new application and Bridges will prorate the benefits. If the completed Mid-Certification Contact Notice and verifications are returned by the last day of the twelfth month, process the changes to ensure the client's benefits are available no later than 10 days after their normal issuance date in the 13th month of the benefit period. BAM 210, p. 14.

In this case, MDHHS issued Petitioner a Mid-Certification Contact Notice on March 1, 2022. After Petitioner did not return the Mid-Certification Contact Notice, MDHHS issued a Notice of FAP Closure on April 10, 2022, in accordance with policy. At the start of the hearing, the AHR confirmed that AHR Home is the correct, and best, address for Petitioner. The Mid-Certification Contact Notice and Notice of FAP Closure

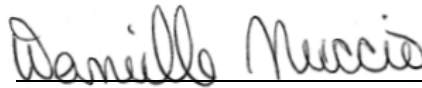
were both mailed to this address. The AHR acknowledges that the address on both notices was correct. However, the AHR testified that neither notice was received. MDHHS explained that both notices are automatically generated by the MDHHS Bridges system and that both notices were mailed timely (see Exhibit A, p. 10). Once the AHR realized that Petitioner's FAP case had closed, she requested a new Mid-Certification Contact Notice and submitted the completed notice. MDHHS received this notice on May 12, 2022. While it is understood that issues with receiving mail have become more frequent in recent years, the undersigned may only consider whether MDHHS acted in accordance with policy. MDHHS has presented sufficient evidence that they acted in accordance with policy in this case, issuing both notices to Petitioner as required and to the address that Petitioner provided. Since MDHHS did not receive the completed Mid-Certification Contact Notice until after Petitioner's FAP case was closed, they acted in accordance with policy in closing Petitioner's case.

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 MDHHS acted in accordance with Department policy when it closed Petitioner's FAP case.

DECISION AND ORDER

Accordingly, MDHHS' decision is **AFFIRMED**.

DN/mp



Danielle Nuccio

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 :

MDHHS-Macomb-36-Hearings
D. Sweeney
M. Holden
MOAHR
BSC4

Via-First Class Mail :

Petitioner

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Authorized Hearing Rep.

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