



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR



Date Mailed: September 29, 2022
MOAHR Docket No.: 22-003876
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler

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 September 28, 2022. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by Ashley Sopher, Family Independence Manager, and Marsha Alford, Eligibility Specialist.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) benefits?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On June 1, 2022, the Department issued a Mid-Certification Contact Notice to Petitioner with a due date of June 21, 2022.
2. As of July 10, 2022, the Department had not received the completed form from Petitioner or any verifications and a Notice of Food Assistance (FAP) Closure was issued to Petitioner informing him that effective July 31, 2022, his FAP case would be closing because the Department had not received his completed mid-certification form.
3. On July 21, 2022, Petitioner mailed his completed Mid-Certification Contact Notice, verifications of his bank account, medical bills, and income, in addition to a memorandum addressed to his case worker asking for accommodation or an

extension of the deadline in a postage prepaid self-addressed envelope to the Department.

4. Petitioner did not attempt to contact the Department seeking assistance before he mailed the requested information.
5. Effective July 31, 2022, Petitioner's FAP case closed because the Department had not received the completed form or verifications.
6. On August 2, 2022, the Department received Petitioner's completed form, verifications, and the memorandum.
7. On August 29, 2022, the Department received Petitioner's request for hearing disputing the Department's closure of his FAP benefits.

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 benefits case for failure to provide requested verifications or return the completed Mid-Certification Contact Notice to the Department by the due date. In June 2022, the Department issued a Mid-Certification Contact Notice to Petitioner's address of record with a due date of June 21, 2022. Bridges sends these notices to groups who have been assigned a 24-month benefit period during the 11th month of their benefit period. BAM 210 (April 2022), p. 11. Groups assigned a 24-month benefit period must submit a completed Mid-Certification Contact Notice. *Id.* A report is considered complete when all of the sections on the form are answered completely and required verifications are returned by the client. *Id.* The Notice must be recorded, data collection updated, and eligibility results certified in Bridges by the last day of the 12th month after a completed form and verifications are received. *Id.* If the Notice is not logged in Bridges by the 10th day of the 12th month, Bridges will generate a Notice of Food Assistance (FAP) Closure to the client. BAM 210, p. 13. If the client fails to return a completed form by the last day of the 12th month, Bridges automatically closes the case. BAM 210, p. 14. In FAP cases, if the client contacts the Department prior to the due date and requests an extension or assistance

in obtaining verifications, the Department is required to assist the client with the verifications but cannot grant an extension. BAM 130 (January 2022), p. 7.

Upon review of the evidence presented in this case in addition to the applicable policy and law, the Department acted properly in closing Petitioner's FAP case. Petitioner's completed Mid-Certification Contact Notice, verifications, and memorandum asking for an extension of the deadline were all received after Petitioner's FAP case had already closed. Since none of the documentation was received prior to the deadline and because the Department cannot grant extensions in FAP cases, the Department properly closed Petitioner's FAP case effective July 31, 2022.

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 case effective July 31, 2022.

DECISION AND ORDER

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

AMTM/cc



Amanda M. T. Marler
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 :

Interested Parties

MDHHS-Oakland-6303-Hearings
BSC4-HearingDecisions
D. Sweeney
M. Holden
MOAHR

Via-First Class Mail :

Petitioner

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[REDACTED] MI [REDACTED]