



GRETCHEN WHITMER
GOVERNOR

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

MARLON I. BROWN, DPA
ACTING DIRECTOR

[REDACTED]
[REDACTED] MI [REDACTED]

Date Mailed: November 7, 2023
MOAHR Docket No.: 23-006460
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 November 3, 2023. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by Tom Jones, Assistance Payments Supervisor.

ISSUE

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

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 August 1, 2023, the Department issued a Semi-Annual Contact Report to Petitioner with a due date of August 21, 2023.
2. On September 10, 2023, the Department issued a Notice of Food Assistance Closure to Petitioner indicating that effective September 30, 2023, Petitioner's FAP case would close because the Semi-Annual Contact Report had not been returned.
3. On September 12, 2023, the Department noted a phone conversation with Petitioner during which the Department advised Petitioner that his Semi-Annual Contact report was due, and Petitioner advised the Department that he would return it to the office.
4. On September 25, 2023, the Department received Petitioner's request for hearing disputing the potential closure of his FAP benefits.

5. Petitioner's FAP benefits closed effective September 30, 2023 for failure to return the completed form.
6. As of the hearing date, Petitioner had never returned the completed form.

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 for failure to return the Semi-Annual Contact Report noting that he spoke to two separate individuals from the Department who advised him that if he did not have any changes to report, he did not need to submit the form. Contrary to Petitioner's testimony, a documented conversation between Petitioner and the Department on September 12, 2023 notes that Petitioner was advised to submit the form and that he agreed to bring it in. In addition to the noted conversation, Petitioner received the Notice of Food Assistance Closure advising him that his benefits would close effective September 30, 2023 if he did not submit the form. Rather than submitting the completed form, Petitioner used the Notice of Food Assistance Closure to submit a hearing request disputing the closure five days before the due date of the Semi-Annual Contact Report.

In FAP cases, the Department sends a Semi-Annual Contact Report in the beginning of the fifth month for cases assigned a 12-month benefit period. BAM 210 (October 2022), p. 11. The report is considered complete when all sections are answered completely and the verifications are returned to the Department with a signature of the client, or authorized filing representative. *Id.* If the Semi-Annual Contact Report is not entered in Bridges by the tenth day of the sixth month, Bridges automatically generates a Notice of Food Assistance (FAP) Closure to the client. BAM 210, p. 14. If the documents are not returned by the end of the month, the case is closed. *Id.*

Petitioner was aware of the Semi-Annual Contact Report and contrary to his testimony he was advised to submit it to the Department as it was due in September 2023. Petitioner could have used the opportunity to submit the completed Semi-Annual Contact Report on September 25, 2023 rather than submitting a hearing request on the same notice that advised him of the closure five days before it occurred. Because

Petitioner was aware that the document was due and received the Notice of Food Assistance Closure but still failed to submit the form, the Department properly closed Petitioner's FAP 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 the Department acted in accordance with Department policy when it closed Petitioner's FAP case for failure to return the completed Semi-Annual Contact Report.

DECISION AND ORDER

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

AM/mp



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

N. Denson-Sogbaka

B. Cabanaw

M. Holden

MOAHR

BSC4

Via-First Class Mail :

Petitioner

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