



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

Date Mailed: July 16, 2024  
MOAHR Docket No.: 24-006341  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: L. Alisyn Crawford**

### **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 July 10, 2024. Petitioner was represented by his daughter [REDACTED] [REDACTED] Authorized Hearing Representative (AHR). The Department of Health and Human Services (Department) was represented by Priya Johnson, Assistance Payment Supervisor.

### **ISSUE**

Did the Department properly close Petitioner's Food Assistance Program (FAP) benefits 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. Petitioner was an ongoing recipient of FAP benefits.
2. On January 2, 2024, the Department sent Petitioner a Mid-Certification Contact Notice to assess continued eligibility of FAP benefits. (Exhibit A, pp. 9-13). The Department informed Petitioner to return the completed form by January 22, 2024. (Exhibit A, p. 11).
3. On February 10, 2024, the Department sent Petitioner a Notice of Food Assistance (FAP) Closure letter informing him that effective February 29, 2024 the household's FAP case would be closed because Petitioner did not return a completed mid-certification form. (Exhibit A, pp. 14-15).

4. Based on Department Case Comments, the AHR contacted the Department inquiring about Petitioner's FAP benefits for March, April, and May 2024. The Department informed the AHR that Petitioner's FAP case was closed due to failure to timely submit the Mid-Certification Contact Notice. (Exhibit B, p. 2).
5. On May 17, 2024, the Department received Petitioner's hearing request regarding the closure of his FAP case. (Exhibit A, pp. 3-8).

### **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.

The Department must periodically redetermine or renew an individual's eligibility for active programs. BAM 210 (January 2024), p. 1. Redetermination, renewal, semi-annual and mid-certification forms are often used to redetermine eligibility of active programs. BAM 210, p. 1. The Department sends a Mid-Certification Contact Notice for FAP groups assigned a 24-month benefit period during the 11<sup>th</sup> month of their benefit period. BAM 210, p. 11. If the Mid-Certification Contact Notice is not received by the 10<sup>th</sup> day of the 12<sup>th</sup> month, the Department will generate a Notice of FAP Closure to the client. BAM 210, p. 14. This notice explains that the client must return the Mid-Certification and all required verifications by the last day of the month, or the case will close. BAM 210, p. 14. When a client fails to return a completed mid-certification form to the Department by the last day of the 12<sup>th</sup> month, the FAP case is automatically closed. BAM 210, p. 14. If the FAP case is closed and the client reapplies, the Department will treat it as a new application. BAM 210, pp. 14-15.

In this case, the Department issued Petitioner a Mid-Certification Contact Notice on January 2, 2024. After Petitioner did not return the Mid-Certification Contact Notice, the Department issued a Notice of FAP Closure on February 10, 2024, in accordance with policy. At the start of the hearing, the AHR confirmed that Petitioner address was the correct, and best, address for Petitioner. The Mid-Certification Contact Notice and

Notice of FAP Closure were both mailed to this address. However, the AHR testified that while the closure notice was received, the Mid-Certification Contact Notice was received. The Department explained that both notices are automatically generated by the MDHHS Bridges system and that both notices were mailed to the address of record in a timely manner.

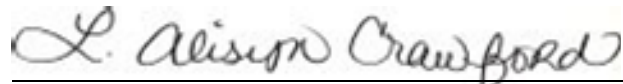
Although AHR argued that the Department had advised her in response to a prior hearing request that Petitioner's FAP benefits would be reinstated and Petitioner would receive a FAP supplement for March, April and May, the Department's position is that it properly closed Petitioner's FAP case. The Department has presented sufficient evidence that they acted in accordance with policy in this case, issuing both the Mid Certification Contact Notice and Notice of FAP Closure to Petitioner as required and to the address that Petitioner provided. Since the Department did not receive the completed Mid-Certification Contact Notice prior to February 29, 2024, they acted in accordance with policy in closing Petitioner's case. The AHR was advised to reapply for FAP benefits.

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 timely submit the Mid-Certification Contact Notice form.

#### **DECISION AND ORDER**

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

LC/nr

A handwritten signature in cursive script that reads "L. Alisyn Crawford". The signature is written in dark ink and is positioned above a horizontal line.

**L. Alisyn Crawford**  
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 :**

**DHHS**

Yaita Turner

Oakland County Southfield District III

25620 W. 8 Mile Rd

Southfield, MI 48033

**MDHHS-Oakland-6303-Hearings@michigan.gov**

**Interested Parties**

BSC4

M. Holden

N. Denson-Sogbaka

B. Cabanaw

MOAHR

**Via-First Class Mail :**

**Petitioner**

[REDACTED] MI [REDACTED]

**Authorized Hearing Rep.**

[REDACTED] MI [REDACTED]