



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

[REDACTED] MI [REDACTED]

Date Mailed: June 13, 2024
MOAHR Docket No.: 24-005026
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 June 3, 2024. Petitioner was present at the hearing and represented herself. The Department of Health and Human Services (Department) was represented by Priya Johnson, Assistance Payments Supervisor.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) case effective March 31, 2024 for Petitioner's failure to complete the Semi-Annual Contact Report?

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 February 1, 2024, the Department sent Petitioner a Semi-Annual Contact Report, which indicated that Petitioner must return the completed report to the Department by February 21, 2024 and that if Petitioner failed to return the completed report, her FAP benefits would end. (Exhibit A, pp. 6-10).
3. On March 10, 2024, the Department sent Petitioner a Notice of Food Assistance (FAP) Closure, notifying her that her FAP case would close effective March 31, 2024, due to Petitioner's failure to return her completed semi-annual review. (Exhibit A, pp. 11-12).

4. On April 26, 2024, the Department received Petitioner's request for hearing disputing the Department's action related to the closure of her FAP case. (Exhibit A, pp. 3-5).

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.

Petitioner requested a hearing to dispute the closure of her FAP case, asserting that she returned her semi-annual review form in a timely manner. (Exhibit A, pp. 3-5). The Department testified that it had no record that the semi-annual review form had been returned by the February 21, 2024 due date. The Department issued a Notice of Food Assistance (FAP) Closure to Petitioner on March 10, 2024, notifying her that her FAP case would close effective March 31, 2024, because she failed to submit her semi-annual review. (Exhibit A, pp. 11-12).

The Department is required to periodically redetermine or renew an individual's eligibility for active benefit programs, including FAP. BAM 210 (January 2024), p. 1. FAP groups assigned a 12-month benefit period are sent a Semi-Annual Contact Report at the beginning of the fifth month of their benefit period. BAM 210, p. 11. Clients must complete the Semi-Annual Contact Report by the last day of the sixth month of the benefit period in order to continue their benefits. BAM 210, p. 12. The semi-annual contact report is considered complete when the Department receives a signed and completed packet from the client. BAM 210, p. 13. If the semi-annual contact report is not received by the due date, the Department sends the client a Notice of Food Assistance Program (FAP) closure, MDHHS 1046-A, explaining that the client must return the semi-annual contact report, or the case will close. BAM 210, p. 15. If the Semi-Annual Contact Report is not received and logged in by the last working day of the sixth month, the Department will automatically close the case. BAM 210, p. 15.

Petitioner testified that she returned her semi-annual review form to the Department, in person at a local office, but she was unable to recall the date she returned it, and she was unable to present any evidence that she returned the form in a timely manner. The Department testified that it did not receive the completed form. The Department also established that it sent Petitioner the Notice of Food Assistance Program (FAP) Closure

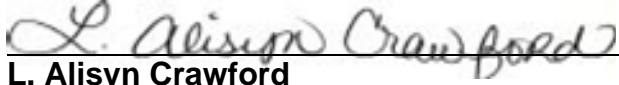
advising her that it did not receive the completed semi-annual contact notice and that her FAP case would close effective March 31, 2024 if she did not submit the form. Under the evidence presented, Petitioner failed to establish that she returned the Semi-Annual Contact Report prior to the effective date of her FAP case closure. The Department encouraged Petitioner to reapply for FAP benefits.

Therefore, 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 policy when it closed Petitioner's FAP case, effective March 31, 2024, for failure to return her FAP semi-annual contact report.

DECISION AND ORDER

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

LC/ml



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
B Cabanaw
N Denson-Sogbaka
MOAHR

Via First Class Mail:

Petitioner

[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]