



GRETCHEN WHITMER  
GOVERNOR

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

MARLON BROWN  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Date Mailed: August 23, 2024  
MOAHR Docket No.: 24-007886  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Aaron McClintic**

### **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 August 14, 2024, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Rachel Meade. Department Exhibit 1, pp. 1-70 and Exhibit 2 pp. 1-6 were received and admitted.

### **ISSUE**

Did the Department properly close Petitioner's Food Assistance Program (FAP) case for failing to submit a semi-annual contact report and deny Petitioner's FAP application due to excess income?

### **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 April [REDACTED] 2024, Petitioner was sent a semi-annual contact report with an April 22, 2024, due date.
2. On May [REDACTED] 2024, Notice of FAP Closure was sent to Petitioner informing her that FAP would close May 31, 2024, for failing to submit redetermination forms.
3. On June [REDACTED] 2024, Petitioner submitted an application for FAP.
4. On July 2, 2024, a Verification Checklist was sent to petitioner requesting verification of income.

5. On July █ 2024, Petitioner requested hearing disputing the closure of FAP.
6. On July █ 2024, Notice of Case Action was sent to Petitioner informing her that her FAP application was denied due to excess income.
7. Petitioner's household had \$█ of monthly gross income in the 30 days prior to her June 2024 FAP application.

### **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.

For FAP only, if the client contacts the department prior to the due date requesting an extension or assistance in obtaining verifications, assist the client with the verifications but do not grant an extension. Explain to the client they will not be given an extension and their case will be denied once the VCL due date is passed. Also, explain their eligibility will be determined based on their compliance date if they return required verifications. Re-register the application if the client complies within 60 days of the application date; see Subsequent Processing in BAM 115. BAM 130

Send a negative action notice when: • The client indicates refusal to provide a verification, or • The time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130

In this case, on April █ 2024, a semi-annual contact form was sent to Petitioner with a April 22, 2024, due date. On May █ 2024, Notice of FAP Closure was sent to Petitioner informing her that her case would close effective May 31, 2024. On May █ 2024, the semi-annual contact form was sent to Petitioner, and she was instructed to submit it prior to May 31, 2024. The semi-annual contact form was not received and Petitioner's FAP case closed. That action was consistent with Department policy. BAM 130

On June █ 2024, Petitioner applied for FAP. The Department gathered employment income information for Petitioner and other members of the household. The Department determined that Petitioner's household had \$█ gross income. At hearing, Petitioner did not dispute the employment income attributed to her household. The gross income

limit for a household of 3 is \$2,694. Therefore, Petitioner was over the gross income limit and the denial due to excess income was proper and correct and consistent with Department policy.

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 failing to return redetermination paperwork and properly denied Petitioner's FAP application due to excess income.

**DECISION AND ORDER**

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

AM/dm

  
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**Aaron McClintic**  
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**  
Heather Dennis  
Jackson County DHHS  
**MDHHS-Jackson-**  
**Hearings@michigan.gov**

**HoldenM**

**DensonSogbakaN**

**BSC4HearingDecisions**

**MOAHR**

**Via-First Class Mail :**

**Petitioner**

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