



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]
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MI [REDACTED]

Date Mailed: September 16, 2024
MOAHR Docket No.: 24-009258
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Linda Jordan

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 hearing was held on September 12, 2024, via teleconference. Petitioner appeared and represented himself. Hanna Czechowski, Hearings Facilitator, appeared on behalf of the Michigan Department of Health and Human Services (MDHHS or Department). MDHHS' Hearing Packet was admitted at the hearing as MDHHS Exhibit A, pp. 1-21.

ISSUE

Did MDHHS properly terminate 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. Petitioner was an ongoing recipient of FAP benefits.
2. On June 3, 2024, MDHHS sent Petitioner a Semi-Annual Contact Report (Exhibit A, p. 7). The form notified Petitioner that FAP benefits would end if the report was not returned to MDHHS by June 24, 2024 (Exhibit A, p. 7).
3. On July 10, 2024, MDHHS sent Petitioner a Notice of FAP Closure, indicating that his FAP benefits would be terminated, effective July 31, 2024, for failure to return the Semi-Annual Contact Report (Exhibit A, p. 12).
4. On August 2, 2024, Petitioner submitted the Semi-Annual Contact Report to MDHHS (Exhibit A, p. 14).

5. On August 2, 2024, Petitioner filed a hearing request to dispute the termination of his FAP benefits (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. MDHHS 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, MDHHS terminated Petitioner's FAP benefits for failing to return the Semi-Annual Contact Report prior to the deadline.

MDHHS is required to periodically redetermine or renew an individual's eligibility for active benefit programs, including FAP. BAM 210 (January 2024), p. 1. Redetermination, renewal, semi-annual and mid-certification forms are often used to redetermine eligibility of active programs. *Id.* MDHHS sends clients a MDHHS-1046, Semi-Annual Contact Report, the beginning of the fifth month for cases assigned a 12-month benefit period. *Id.*, p. 11. The semi-annual contact report must be recorded, data collection updated and EDBC results certified in Bridges, MDHHS' internal case management system, by the last day of the sixth month of the benefit period to affect benefits no later than the seventh month. *Id.*, p. 12.

If the MDHHS-1046 is not logged in Bridges by the tenth day of the sixth month, Bridges will generate a MDHHS-1046-A, Notice of Food Assistance (FAP) Closure, to the client. *Id.*, p. 15. This reminder notice explains that the client must return the MDHHS-1046 and all required verifications by the last day of the month, or the case will close. *Id.* If the client fails to return a complete MDHHS-1046 by the last day of the sixth month, Bridges will automatically close the case. *Id.* If the client reapplies, MDHHS is required to treat it as a new application and Bridges will prorate the benefits. *Id.* If the completed MDHHS-1046 and verifications are returned by the last day of the sixth month, MDHHS must process the changes to ensure the client's benefits are available no later than 10 days after their normal issuance date in the seventh month of the benefit period. *Id.*

Here, the record shows that MDHHS sent Petitioner the Semi-Annual Contact Report on June 3, 2024 and the deadline to return the form was June 24, 2024 (Exhibit A, p. 7). MDHHS did not receive the form by the deadline, and it sent Petitioner a Notice of FAP Closure on July 10, 2024 (Exhibit A, p. 12). The Notice of FAP Closure indicated that Petitioner's FAP benefits would be terminated, effective July 31, 2024 (Exhibit A, p. 12). The notice further indicated that Petitioner had until the end of the month to complete

the form and that he should request a replacement form if necessary or contact MDHHS if he had questions (Exhibit A, p. 12). Petitioner returned the form on August 2, 2024 (Exhibit A, p. 14).

At the hearing, Petitioner testified that he did not receive the Semi-Annual Contact Report in the mail. However, MDHHS' testimony that the form was sent was credible. Additionally, MDHHS sent Petitioner a Notice of FAP Closure, which gave him additional time to submit the form and instructed him to request a replacement form or contact MDHHS if he had any questions (Exhibit A, p. 12). The Notice of FAP Closure indicated that he must return the form by July 31, 2024 to maintain his FAP benefits. He did not submit the form to MDHHS until August 2, 2024, which was passed the deadline.

The record shows that MDHHS followed policy when it sent Petitioner the Semi-Annual Contact Report and subsequently sent him the Notice of FAP Closure. Petitioner did not submit the Semi-Annual by the last day of the sixth month, and thus, MDHHS properly closed his 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 MDHHS acted in accordance with Department policy when it closed Petitioner's FAP case.

DECISION AND ORDER

Accordingly, MDHHS' decision is **AFFIRMED**.

LJ/pt


Linda Jordan
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
Hannah Czechowski
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4809 Clio Road
Flint, MI 48504
MDHHS-Genesee-Clio-Hearings@michigan.gov

Interested Parties
BSC2
M Holden
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Via-First Class Mail:

Petitioner

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