



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

MARLON I. BROWN, DPA
DIRECTOR

[REDACTED], MI [REDACTED]

Date Mailed: September 26, 2024
MOAHR Docket No.: 24-009560
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Caralyce M. Lassner

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 by telephone on September 19, 2024. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Jamila Goods, Eligibility Specialist.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) for failure to return a 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 for a two-person FAP group.
2. On June 3, 2024, the Department sent Petitioner a Semi-Annual Contact Report (SACR) to complete and return to the Department by June 24, 2024. (Exhibit A, pp. 6 – 10).
3. On July 10, 2024, the Department sent Petitioner a notice of closure that advised Petitioner it did not receive the completed SACR and that if it was not returned to the Department by July 31, 2024, Petitioner's FAP case would be closed. (Exhibit A, pp. 11 – 12).

4. On August 20, 2024, the Department received a request for hearing from Petitioner disputing 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 closure of her FAP case for failure to return her SACR.

When a group is actively receiving FAP benefits, the Department must periodically redetermine or renew an individual's eligibility for active programs and may do so with a SACR or other forms. BAM 210 (July 2024), p. 1. When a SACR is sent to the client, ongoing eligibility must be certified by the last day of the sixth month of the current benefit period for benefits to continue. BAM 210, pp. 12, 22 – 24. If the SACR is not returned to the Department timely, a notice of FAP closure is sent to the client that notifies the client that if the SACR is not returned by the last day of that month, the FAP case will be closed. BAM 210, p. 14. If the SACR is not returned by the last day of that month and the client's FAP case is closed, the client may reapply for FAP benefits. BAM 210, p. 14.

In this case, the Department sent Petitioner a SACR on June 3, 2024 with a due date of June 24, 2024 to Petitioner's address of record, which Petitioner verified at the hearing. (Exhibit A, pp. 6 – 10). The Department testified that the completed SACR was not returned by June 24, 2024 and it sent Petitioner a notice on July 10, 2024 that advised her that her FAP case would close effective July 31, 2024 unless it received the completed SACR. (Exhibit A, pp. 11 – 12).

At the hearing, Petitioner explained that she did not return the SACR because she did not receive it and only discovered her FAP case was closed when she attempted to use her benefits on or about August 19, 2024 and no benefits were available. Although Petitioner testified that she contacted the Department several times on and after August 19, 2024 and rented a post office box to insure she will receive future mail, her FAP case had already closed as of August 1, 2024 because the Department did not receive the completed SACR. Because there was no evidence that the Department failed to

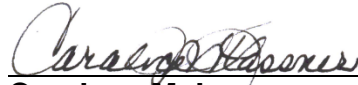
send the SACR or the notice of case closure, and Petitioner did not return the completed SACR by July 31, 2024, the Department properly closed Petitioner's FAP.

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 when she failed to return the SACR to the Department by July 31, 2024.

DECISION AND ORDER

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

CML/nr



Caralyce M. Lassner
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

Susan Noel
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Interested Parties

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Via-First Class Mail :

Petitioner

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