



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

Date Mailed: November 21, 2024  
MOAHR Docket No.: 24-011171  
Agency No.: [REDACTED]  
Petitioner: [REDACTED] [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 November 13, 2024. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Corlette Brown, Hearings Facilitator, and Kendra Starr, Eligibility Specialist.

**ISSUE**

Did the Department properly close Petitioner's Food Assistance Program (FAP) case effective August 1, 2024?

**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.
2. On June 3, 2024, the Department sent Petitioner a Semi-Annual Contact Report (SACR) by mail to Petitioner at her address of record with a due date of June 24, 2024. The SACR stated that Petitioner's current FAP benefits would end on July 31, 2024. (Exhibit A, pp. 13 – 17).
3. Petitioner did not return the SACR application to the Department by June 24, 2024.
4. On July 10, 2024, the Department sent Petitioner a notice of closure advising 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. 19 – 20).

5. The Department did not receive Petitioner's completed SACR by July 31, 2024, and closed Petitioner's FAP case.
6. On September 3, 2024, the Department received a change report from Petitioner on which Petitioner reported her address changed on March 8, 2024. (Exhibit A, pp. 8 – 10).
7. On September 25, 2024, the Department received a request for hearing from Petitioner, disputing the closure of her FAP case, and Petitioner's completed SACR. (Exhibit A, pp. 4, 23 – 25).

### **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 that she received a SACR application and the notice of closure of her FAP case. The Department closed Petitioner's FAP case, effective July 31, 2024, for failure to return the SACR application.

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 by mailing a SACR to the client at the client's mailing address on file with the Department. BAM 210 (July 2024), pp. 1, 8. If the SACR is not returned to the Department by the due date, a notice of FAP closure is sent and 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 still not returned by the last day of that month, the client's FAP case is closed, and the client must submit a new application to receive further FAP benefits. BAM 210, p. 14.

In this case, the evidence established that the Department sent Petitioner a SACR on June 3, 2024 with a due date of June 24, 2024 to Petitioner's mailing address on file with the Department. (Exhibit A, pp. 13 – 17). The Department testified that the SACR was not returned by June 24, 2024, and it sent Petitioner a notice on July 10, 2024

advising her that her FAP case would close effective July 31, 2024 unless it received the completed SACR. (Exhibit A, pp. 19 – 20). The Department further testified that it did not receive the completed SACR by July 31, 2024 and closed Petitioner's FAP case effective that day.

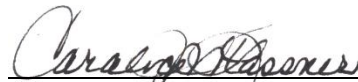
In her request for hearing, Petitioner acknowledged that she failed to return the SACR (Exhibit A, p. 4), and at the hearing, she explained that she did not return the SACR because she did not receive it. Petitioner acknowledged that she moved on March 8, 2024, and that she did not notify the Department of her change of address until September 3, 2024. (Exhibit A, p. 8). Petitioner asserted that because she changed her address with the Michigan Secretary of State and submitted a forwarding order to the United States Post Office when she moved, she was not at fault for not receiving or returning the completed SACR. However, because there was no evidence that the Department failed to send the SACR to Petitioner's mailing address on file with the Department, and Petitioner acknowledged that she did not notify the Department of her change of address or return the completed SACR by July 31, 2024, the Department properly closed Petitioner's FAP case effective July 31, 2024.

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 effective July 31, 2024.

**DECISION AND ORDER**

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

CML/nr

  
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**Caralyce M. Lassner**  
Administrative Law Judge

