



Date Mailed: June 9, 2025
Docket No.: 25-017650
Case No.: [REDACTED]
Petitioner: [REDACTED]

This is an important legal document. Please have someone translate the document.

هذه وثيقة قانونية مهمة. يرجى أن يكون هناك شخص ما يترجم المستند.

এটি একটি গুরুত্বপূর্ণ আইনি ডকুমেন্ট। দয়া করে কেউ দস্তাবেজ অনুবাদ করুন।

Este es un documento legal importante. Por favor, que alguien traduzca el documento.

这是一份重要的法律文件。请让别人翻译文件。

Ky është një dokument ligjor i rëndësishëm. Ju lutem, kini dikë ta përktheni dokumentin.

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Case No.: [REDACTED]

Petitioner: [REDACTED]

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; 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 via telephone conference on May 29, 2025. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Marissa Miholer Eligibility Specialist and Katie Bowman AP Supervisor. Department Exhibit 1, pp. 1-15 was received and admitted.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) for failing to submit 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. On March [REDACTED] 2025, a semi-annual contact report was sent to Petitioner with a March 24, 2025, due date.
2. On April [REDACTED] 2025, a Notice of FAP Closure was sent to Petitioner informing her that her FAP case would be closing effective April 30, 2025, because she failed to return the semi-annual contact report.
3. On April [REDACTED] 2025, Petitioner's FAP case closed.
4. On May 2, 2025, Petitioner verbally requested hearing disputing the closure of FAP.

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

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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.

Mid-Certification/ Semi-Annual Contact

FAP Only

Bridges sends a MDHHS-2240-A, Mid-Certification Contact Notice, for groups assigned a 24-month benefit period during the 11th month of their benefit period and a MDHHS-1046, Semi-Annual Contact Report, the beginning of the fifth month for cases assigned a 12-month benefit period. Note: Manually send from Bridges and track the MDHHS-1046 if it is discovered that a case was not correctly assigned as a simplified reporter by the last day of the fourth month of the benefit period. Groups assigned a 24-month benefit period must submit a complete MDHHS-2240-A, Mid-Certification Contact Notice. A complete MDHHS-1046, Semi-Annual Contact Report, must be submitted by groups with countable earnings and a 12-month benefit period; see BAM 115, Benefit Periods. The MDHHS-1046 and MDHHS-2240A may be completed by the client, the client's authorized filing representative or by the specialist (during a telephone call, home call or interview with the client). However, the form must be signed by the client or authorized filing representative.

A report is considered complete when all of the sections (including the signature section) on the MDHHS-1046 and the MDHHS 2240- A are answered completely and required verifications are returned by the client or client's authorized representative. If an expense has changed and the client does not return proof of the expense, if required, but all of the sections on the report are answered completely, remove the expense from the appropriate data collection screen in Bridges before running eligibility determination and benefit calculation (EDBC). BAM 220

In this case, a semi-annual contact report was sent to Petitioner on March █ 2025, with a March 24, 2025, due date. The document was sent to Petitioner at her address of record and there has been no notification that it was returned. A Notice of FAP closure was sent to Petitioner on April █ 2025, notifying her that her FAP case would be closing effective April 30, 2025. This notice was also sent to Petitioner at her address of record and there has been no indication that it was returned. Petitioner was given two notices and approximately two months to submit the semi-annual contact report and she failed to do so. According to the mailbox rule, mail sent to a correct address that was not returned is presumed to have been received. Therefore, the closure for failing to

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submit the semi-annual contact report is proper and correct and consistent with Department policy. BAM 130

Petitioner questioned at hearing why she was required to submit a semi-annual contact report twice a year and testified that she had a doctor's note that preempted her from this requirement. There is nothing in Department policy that preempts a recipient from submitting a semi-annual contact report due to health conditions. BAM 220

DECISION AND ORDER

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 a semi-annual contact report.

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



AARON MCCLINTIC
ADMINISTRATIVE LAW JUDGE

APPEAL RIGHTS: Petitioner may appeal this Hearing Decision to the circuit court. Rules for appeals to the circuit court can be found in the Michigan Court Rules (MCR), including MCR 7.101 to MCR 7.123, available at the Michigan Courts website at courts.michigan.gov. The Michigan Office of Administrative Hearings and Rules (MOAHR) cannot provide legal advice, but assistance may be available through the State Bar of Michigan at <https://lrs.michbar.org> or Michigan Legal Help at <https://michiganlegalhelp.org>. A copy of the circuit court appeal should be sent to MOAHR. A circuit court appeal may result in a reversal of the Hearing Decision.

Either party who disagrees with this Hearing Decision may also send a written request for a rehearing and/or reconsideration to MOAHR within 30 days of the mailing date of this Hearing Decision. The request should include Petitioner's name, the docket number from page 1 of this Hearing Decision, an explanation of the specific reasons for the request, and any documents supporting the request. The request should be sent to MOAHR

- by email to MOAHR-BSD-Support@michigan.gov, **OR**
- by fax at (517) 763-0155, **OR**
- by mail addressed to
Michigan Office of Administrative Hearings and Rules
Rehearing/Reconsideration Request
P.O. Box 30639
Lansing Michigan 48909-8139

Documents sent via email are not secure and can be faxed or mailed to avoid any potential risks. Requests MOAHR receives more than 30 days from the mailing date of this Hearing Decision may be considered untimely and dismissed.

Via Electronic Mail:

Respondent

KALAMAZOO COUNTY DHHS
427 E ALCOTT ST
KALAMAZOO, MI 49001
**MDHHS-KALAMAZOO-
HEARINGS@MICHIGAN.GOV**

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Via First Class Mail:

Petitioner

[REDACTED]