



**Date Mailed:** August 25, 2025

**Docket No.:** 25-027104

**Case No.:** [REDACTED]

**Petitioner:** [REDACTED] [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

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lутем, кини дикë та пëркtheni dokumentin.

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### **HEARING DECISION**

On July 21, 2025, Petitioner [REDACTED] requested a hearing to dispute a Food Assistance Program (FAP) determination. As a result, a hearing was scheduled to be held on August 20, 2025. Public assistance hearings are held 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; 45 CFR 205.10; and Mich Admin Code, R 792.11002.

The parties appeared for the scheduled hearing. Petitioner appeared and represented herself. Respondent Michigan Department of Health and Human Services (Department) had Hearing Facilitator Caleb Nygren appear as its representative. There were no other participants.

One exhibit was admitted into evidence during the hearing. A 23-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

### **ISSUE**

Did the Department properly reinstate Petitioner's FAP benefits, effective August 1, 2025?

### **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 is a FAP benefit recipient.
2. On June [REDACTED] 2025, Petitioner was admitted to [REDACTED] at Grand Blanc for rehabilitation.
3. The Department received notice that Petitioner was admitted to [REDACTED] at Grand Blanc, so the Department reviewed Petitioner's case, updated her living arrangement, and determined that Petitioner was ineligible for FAP benefits because she was a resident of an institution that provided her meals.
4. On July [REDACTED] 2025, the Department mailed a notice of case action to Petitioner to notify her that her FAP benefits were going to close, effective August 1, 2025,

because Petitioner was ineligible for FAP benefits because of her institutional status.

5. On July █ 2025, Petitioner was discharged from █ at Grand Blanc.
6. Petitioner requested a hearing to dispute the Department's decision.
7. The Department reviewed Petitioner's case and determined that the Department erroneously closed Petitioner's FAP benefits because Petitioner was only temporarily absent from her home, so the Department reinstated Petitioner's FAP benefits.
8. On July 22, 2025, the Department mailed a notice of case action to Petitioner to notify her that she was eligible for FAP benefits, effective August 1, 2025.

### **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) 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 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 after the Department closed her FAP benefits, effective August 1, 2025. The Department correctly acknowledged that it erroneously closed Petitioner's FAP benefits, effective August 1, 2025. A FAP group member who is temporarily absent from the home is considered to still be living in the home. BEM 212 (June 1, 2025), p. 3. A FAP group member is considered temporarily absent when the FAP group member's location is known, the FAP group member lived in the home before the absence, the FAP group member has a definite plan for return to the home, and the FAP group member's absence lasted or is expected to last no more than 30 days. *Id.* Petitioner was temporarily absent from her home because she met these conditions when she was admitted to █ at Grand Blanc. Thus, Petitioner remained eligible for FAP benefits in accordance with BEM 212.

The Department corrected its error when the Department reinstated Petitioner's FAP benefits, and Petitioner did not suffer any loss of FAP benefits as a result of the Department's error. Since the Department corrected its error, whether the Department properly closed Petitioner's FAP benefits is a moot issue. The Department's decision to reinstate Petitioner's FAP benefits is affirmed.

## **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 its policies and the applicable law when it reinstated Petitioner's FAP benefits, effective August 1, 2025.

**IT IS ORDERED** that the Department's decision is **AFFIRMED**.



**JEFFREY KEMM**  
**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](mailto: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**

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**Via First Class Mail:**

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