



**Date Mailed:** September 12, 2025  
**Docket No.:** 25-029663  
**Case No.:** [REDACTED]  
**Petitioner:** [REDACTED]

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

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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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### **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 10, 2025. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Jacob Frankmann, Assistance Payments Supervisor.

### **ISSUE**

Did the Department properly certify Petitioner's eligibility for Food Assistance Program (FAP) benefits effective August 1, 2025 ongoing?

### **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 for a two-person FAP group that included herself and two of her children.
1. On June 2, 2025, the Department sent Petitioner a Mid-Certification Contact Notice (MCCN) that was due June 23, 2025.
2. On June 12, 2025, the Department received a consent notice to allow the Department to talk to a Navigator, submitted electronically through MIBridges in Petitioner's case. The notice listed a phone number ending in 2493, was not signed, and did not identify any individuals as Navigators. (Exhibit A, p. 6).
3. On July 12, 2025, the Department sent Petitioner a Notice of Case Action (NOCA) that approved Petitioner for continuing FAP benefits of \$768 per month effective August 1, 2025, for a three-person FAP group.
4. On August 18, 2025, the Department sent Petitioner a second NOCA that approved Petitioner for continuing FAP benefits of \$768 per month effective September 1, 2025, for a three-person FAP group. (Exhibit A, pp. 11 – 15).

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5. On August 13, 2025, the Department received a request for hearing from Petitioner, disputing a) that her FAP case was recertified when she did not return the MCCN, and b) that her ex-spouse was designated as her authorized representative (AR). (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 a) that her FAP case was recertified when she did not return the MCCN, and b) that her ex-spouse was designated as her AR. Petitioner did not return a completed MCCN. However, the Department testified that it recertified Petitioner's FAP benefit case effective August 1, 2025, due to automatic system updates.

When a group is actively receiving FAP benefits, the Department must periodically redetermine or renew an individual's eligibility for active programs and, for clients who are assigned a 24-month benefit period, such as Petitioner, do so with a MCCN. BAM 210 (July 2025), pp. 1, 3. If the client fails to return the completed Mid-Certification Contact Notice by the 10<sup>th</sup> day of the 12<sup>th</sup> month of the benefit period, the Department must send the client a Notice of Food Assistance (FAP) Closure that advises the client that if they fail to return the completed MCCN to the Department by the end of that month, the client's FAP benefit case will close; and if the Department does not receive the completed MCCN by the end of that month, the client's FAP benefits case is to be closed automatically. BAM 210, pp. 11, 13 – 14. If the client's FAP case is closed due to a failure to return the MCCN, the client may reapply for FAP benefits. BAM 210, p. 14.

In this case, the Department testified that it sent Petitioner a MCCN on June 2, 2025, with a due date of June 23, 2025. There was no dispute that Petitioner did not return the MCCN. However, the Department recertified Petitioner's FAP benefits effective August 1, 2025. The Department explained that Petitioner's FAP benefits were recertified through an automatic system update. Although Petitioner testified that she

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may be in need of ongoing FAP benefits, she disputed the Department's action of recertifying her benefits when she did not return the MCCN, and testified that she wanted her FAP benefit case closed at this time.

Therefore, because Department policy requires that a client return the MCCN in order for benefits to continue, and Petitioner did not return the MCCN, the Department failed to act in accordance with Department policy when it recertified her benefits.

At the hearing, Petitioner also testified that she does not have a phone number ending 2493, disputed that she designated anyone to act on her behalf regarding her FAP benefits, and expressed concern that her ex-spouse may have access to her FAP case or other information regarding her benefits from the Department. Although the Department found no evidence in Petitioner's case file that any other person is authorized to act on Petitioner's behalf or to use her FAP benefits, the Department provided Petitioner with a phone number during the hearing to report suspected fraud related to her case, and Petitioner was advised to change the Personal Identification Number (PIN) associated with her Electronic Benefits Transaction (EBT) card. Petitioner is also advised that she may report suspected welfare fraud to the Department by calling the welfare fraud hotline at 800-222-8558, or submitting a complaint online at <https://mdhhs.michigan.gov/Fraud/>.

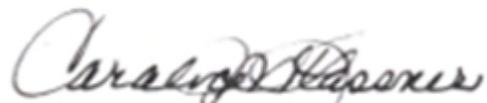
### **DECISION AND ORDER**

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 did not act in accordance with Department policy when it recertified Petitioner's FAP case when she did not return the Mid-Certification Contact Notice.

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Close Petitioner's FAP benefit case as requested; and
2. Provide Petitioner with timely notice of its actions in writing.



**CARALYCE M. LASSNER**  
**ADMINISTRATIVE LAW JUDGE**

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**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](https://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:**

**Petitioner**

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