

Date Mailed: December 15, 2025

Docket No.: 25-041088

Case No.: [REDACTED]

Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 telephone hearing was held via Microsoft Teams on December 11, 2025. Petitioner participated and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Victoria Lewis, specialist.

ISSUES

The first issue is whether MDHHS took an adverse action concerning Petitioner's Food Assistance Program (FAP) eligibility.

The second issue is whether MDHHS took an adverse action concerning an application from Petitioner for State Emergency Relief (SER)

FINDINGS OF FACT

The administrative law judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. As of November 2025, Petitioner was an ongoing recipient of FAP benefits who was scheduled to receive benefits on the third of every month.
1. In November 2025, MDHHS issued FAP benefits to Petitioner no earlier than November 5, 2025, due to a federal government shutdown.
2. As of November 2025, Petitioner had not applied for SER since 2021.
3. On November 5, 2025, Petitioner requested a hearing to dispute FAP and SER eligibility.

CONCLUSIONS OF LAW

The 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. MDHHS administers the FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011. MA policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing, in part, to dispute FAP eligibility. Exhibit A, pp. 3-5. Petitioner initially testified that her FAP eligibility was terminated beginning November 2025. Petitioner then clarified she received FAP benefits in November 2025, albeit tardily. MDHHS responded that FAP benefits were issued late in November 2025 due to the federal government shutdown. A Notice of Case Action dated October 27, 2025, approving Petitioner for ongoing FAP benefits beginning October 2025 was consistent with no adverse action being taken against Petitioner's FAP eligibility. Exhibit A, pp. 7-11.

Regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in Mich Admin Code, R 792.10101 to R 792.10137 and R 792.11001 to R 792.11020. Rule 792.11002(1) which indicate that an opportunity for a hearing shall be granted to an applicant who requests a hearing because his or her claim for assistance is denied or is not acted upon with reasonable promptness, has received notice of a suspension or reduction in benefits, or exclusion from a service program, or has experienced a failure of the agency to consider the recipient's choice of service.

Petitioner's hearing request to dispute not receiving FAP benefits in November 2025 was resolved when MDHHS issued FAP benefits to Petitioner. Thus, Petitioner is left with no FAP benefit dispute and her hearing request concerning FAP benefits is properly dismissed.

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1 *et seq.* MDHHS administers the program pursuant to MCL 400.10 and Mich Admin Code, R 400.7000 to R 400.7049. SER policies are contained in the Emergency Services Manual (ERM).

Petitioner also requested a hearing to dispute SER eligibility. Petitioner testified that she needs SER for back payments of rent. MDHHS responded that Petitioner had not applied for SER since 2021; thus, MDHHS took no action concerning SER benefits. Petitioner's testimony acknowledged she may have discarded an SER application instead of submitting it to MDHHS.

SER applicants can file or obtain an application until at least 5:00 p.m. each business day. ERM 103 (October 2020) p. 1. MDHHS is to accept and register an application for SER if the following information is provided: name, address or statement of homelessness, birthdate, and signature. *Id.*

The evidence established that Petitioner did not submit to MDHHS an application for SER that was being disputed. Thus, MDHHS properly took no action concerning SER. During the hearing, MDHHS agreed to mail Petitioner an SER application for her to return when completed.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly issued FAP benefits to Petitioner in November 2025. MDHHS also properly took no actions concerning SER because Petitioner had not applied. The actions taken by MDHHS are **AFFIRMED**.



CHRISTIAN GARDOCKI
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

25-041088

P.O. Box 30639
Lansing Michigan 48909-8139

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