

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) case due to having three countable time-limited food assistance (TLFA) months?

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 and her most recent certification period was effective September 1, 2025.
2. On November 12, 2025, the Department sent Petitioner a DHS-4785-F, FAP Employment and Training Appointment Notice (ETAN) that informed her that effective December 1, 2025, she was subject to TLFA work requirements. The ETAN instructed Petitioner to inform the Department of how she would meet the TLFA work requirements and included an optional referral to the Michigan Works Agency (MWA) FAP Employment and Training Program with an appointment date of November 20, 2025. (Exhibit A, pp. 14 – 15).
3. On January 15, 2026, the Department sent Petitioner a TLFA Third Countable Month/Out of State Countable Month Notice (Third Month Notice) which informed her that effective January 1, 2026, she had used two of her three TLFA months and, if she failed to satisfy the TLFA work requirement in that month, her FAP case would close. (Exhibit A, pp. 4 – 5).
4. On January 15, 2026, the Department received correspondence from Petitioner in which she requested a TLFA deferral because she was in a temporary living situation and did not have a fixed nighttime residence. (Exhibit A, p. 21).
5. On January 30, 2026, the Department sent Petitioner a Notice of TLFA Countable Month/Out of State Countable Month (Notice of Countable Month), which informed her that she failed to meet the TLFA participation requirement for January 2026. The Notice of Countable Month also indicated that this was the first, second, and third month that Petitioner had not met the participation requirements for TLFA. (Exhibit A, pp. 7 – 8).
6. On January 30, 2026, the Department sent Petitioner a Notice of Case Action (NOCA) that closed her FAP case effective February 1, 2026, because she used all three countable months for TLFA. (Exhibit A, pp. 9 – 10).
7. On February 6, 2026, the Department received a verbal request for hearing from Petitioner, disputing the closure of her FAP case. (Exhibit A, p. 3).

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.

In this case, Petitioner disputed the closure of her FAP case for failure to meet TLFA work requirements; and asserted that she was eligible for a deferral from the requirements due to homelessness. The Department testified that it closed Petitioner's FAP case effective February 1, 2026, because she failed to meet TLFA work requirements for three countable months; specifically, November and December 2025, and January 2026.

A Time Limited Food Assistance (TLFA) individual, also known as Able-Bodied Adults without Dependents (ABAWD), must meet specific work requirements to receive ongoing FAP benefits. BEM 620 (December 2025), p. 1. Effective December 1, 2025, all counties in Michigan are subject to TLFA policy except for the specific locations identified in BEM 620, and all FAP recipients aged 18 through 64 are subject to TLFA policy unless deferred by meeting one of the criteria set forth in BEM 620. BEM 620, pp. 1, 3 – 7. Effective December 1, 2025, TLFA deferrals for homeless individuals, veterans, and certain former foster care children ended. Economic Stability Administration (ESA) Memo 2025-57 (Revised November 24, 2025), p. 2; *see also* BEM 620, pp. 18 – 21.

At application, redetermination, member add, and when a client becomes subject to the work rules, the Department must provide an oral explanation of TLFA requirements to the client, including how the client may be deferred; and should screen the client for any deferrals they may qualify for at that time. BEM 620, pp. 1 – 2. The Department must also send the client a MDHHS-6015, Food Assistance Program Work Requirements Notice. BEM 620, pp. 1 – 2.

If a client fails to meet the work requirements in three countable months within a standardized 36-month period, the client becomes ineligible for ongoing FAP benefits unless they reestablish eligibility in accordance with policy or become eligible for a TLFA deferral. BEM 620, pp. 1, 18 – 21. The current standardized period is January 1, 2025, through December 31, 2027. BEM 620, p. 1. For purposes of TLFA, a countable month is a month in which a full FAP benefit is issued to the client and the client does not meet a TLFA deferral or work requirement without good cause. BEM 620, p. 14. However, before a countable month is applied, the Department must re-screen a client to determine if they qualify for any deferrals. BEM 620, p. 2.

Here, the Department testified that Petitioner did not meet TLFA work requirements in November or December 2025, or January 2026. However:

- a. The Department sent Petitioner a ETAN on November 12, 2025, and informed her that effective December 1, 2025, she was subject to TLFA work requirements; and
- b. There was no evidence that the Department:
 - i. Sent Petitioner a MDHHS-6015, Food Assistance Program Work Requirements Notice,
 - ii. Provided Petitioner with an oral explanation of TLFA work requirements, including how she could be deferred from the work requirement, or
 - iii. Informed Petitioner she was subject to TLFA work requirements effective on or before November 1, 2025.

There was also no evidence that the Department re-screened Petitioner in November or December 2025, or January 2026, to determine if she qualify for any deferrals.

Thus, the record was insufficient to establish that Petitioner was subject to TLFA work requirements in November 2025 or informed of the TLFA work requirements in accordance with BEM 620. The record was also insufficient to establish that the Department re-screened Petitioner before it applied a countable month.

It is noted that Petitioner also asserted that she was eligible for a deferral in January 2026, because she was homeless. However, as explained previously, homelessness is no longer one of the criteria that may be considered for TLFA deferrals.

Therefore, although Petitioner was not eligible for a homeless deferral effective December 1, 2025, the Department failed to establish that Petitioner had three countable months of failing to comply with the TLFA work requirements when it closed her FAP case effective February 1, 2026.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it closed Petitioner's FAP case effective February 1, 2026, for having three countable TLFA months.

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. Redetermine Petitioner's FAP eligibility effective February 1, 2026, including determining whether Petitioner was subject to TLFA work requirements effective November 1, 2025, and properly informed of the requirements in accordance with BEM 620;
2. If eligible, issue supplemental payments to Petitioner for any FAP benefits she was eligible to receive but did not effective February 1, 2026; and
3. Notify Petitioner of its decision in writing.