

ISSUE

Did the Department properly deny Petitioner's Food Assistance Program (FAP) application 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 a previous recipient of FAP benefits and her FAP case was closed effective January 31, 2026, for failure to meet TLFA participation requirements for three countable months.
2. On January 15, 2026, Petitioner notified the Department that she was homeless and requested a TLFA deferral on that basis. (Exhibit A, pp. 3 – 4).
3. 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 the third time in January 2026. The notice also informed her to contact the Department right away if she believed she should be excused from the TLFA requirements. (Exhibit A, pp. 8 – 9).
4. On REDACTED 2026, the Department received an application for FAP benefits from Petitioner.
5. On February 13, 2026, the Department interviewed Petitioner.
6. Petitioner did not report any employment, training, or community service to the Department on her application or during her interview.
7. On February 13, 2026, the Department sent Petitioner a Notice of Case Action (NOCA) that denied her application for FAP benefits effective February 6, 2026, for failure to meet TLFA participation requirements for three countable months. (Exhibit A, pp. 10 – 11).
8. On February 17, 2026, the Department received a request for hearing from Petitioner, disputing denial of her application for FAP benefits. (Exhibit A, pp. 3 – 6).

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 denial of her REDACTED 2026, FAP application for failure to meet TLFA work requirements; and asserted that she was eligible for a deferral from the requirements due to homelessness. The Department denied Petitioner's application for FAP benefits because she failed to meet TLFA work requirements for three countable months.

As a preliminary matter, on February 26, 2026, a hearing was held by the undersigned in Michigan Office of Administrative Hearings and Rules (MOAHR) Case No. 26-004113, regarding a request for hearing from Petitioner disputing the closure of her FAP case effective February 1, 2026, for failure to meet TLFA participation requirements for three countable months. In that case, Petitioner also asserted that she was eligible for a deferral from TLFA participation due to homelessness. On March 4, 2026, the undersigned issued a Hearing Decision in which the Department was ordered to redetermine the date on which Petitioner became subject to TLFA work requirements and determine whether she was properly informed of the requirements in accordance with BEM 620. However, the undersigned also concluded that TLFA deferrals for homeless individuals, veterans, and certain former foster care children ended effective December 1, 2025. Economic Stability Administration (ESA) Memo 2025-57 (Revised November 24, 2025), p. 2; see *also* BEM 620, pp. 18 – 21.

Although Petitioner expressed concerns with the Department's compliance with the Hearing Decision issued on March 4, 2026, her request for the instant hearing was received by the Department on February 17, 2026, before the hearing in MOAHR Case No. 26-004113 was held and a decision was issued. Therefore, the instant hearing proceeded only to determine whether the Department properly denied her February 6, 2026, application for FAP benefits for failure to meet TLFA work requirements for three countable months.

A 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. As explained previously, effective December 1, 2025, TLFA deferrals for homeless individuals, veterans, and certain former foster care children ended.

When 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.

Here, the Department testified, and Petitioner confirmed, that she did not participate in TLFA activities in November or December 2025, or in January 2026. As explained previously, Petitioner was not eligible for a TLFA deferral due to homelessness. There was no evidence that Petitioner reported any other basis to be excused from TLFA participation requirements to the Department at any time, or that she had regained eligibility for FAP benefits as of the date of her application. BEM 620, pp. 18 – 19.

The Department also credibly testified that it sent Petitioner a Notice of Countable Month on October 30, 2025, December 29, 2025, and January 30, 2026. The proper addressing and mailing of correspondence creates a legal presumption that it was received, which may be rebutted by evidence. *Stacey v Sankovich*, 19 Mich App 688; 173 NW2d 225 (1969).

The record established that at least two of the notices, dated October 30 and December 29, 2025, were mailed to Petitioner at her address of record and there was no evidence that they were returned to the Department as undeliverable. Petitioner asserted that she did not receive any of the notices because she vacated her residence in October 2025 and testified that she did not report a change of her address to the Department until January 15, 2026. However, Petitioner did not offer any evidence in support of her testimony. Thus, Petitioner's testimony alone was insufficient to rebut the presumption that she received notice that she had failed to comply with TLFA participation requirements.

Therefore, because Petitioner is presumed to have received the notices, there was no dispute that she failed to comply with TLFA participation requirements for three countable months, and there was no evidence that she was eligible for a deferral, the Department properly denied Petitioner's REDACTED 2026, application for FAP benefits.

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 denied Petitioner's REDACTED 2026, application for FAP benefits for failure to comply with TLFA participation requirements for three countable months.

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