

## 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 is a REDACTED-year-old individual with no disabilities or children under the age of 14, who lives in REDACTED Michigan; and was an ongoing recipient of FAP benefits.
1. On November 11, 2025, the Department sent Petitioner a FAP Work Requirements Notice that informed him that he was required to meet TLFA work requirements and how to do so, including information regarding services and training available through the Michigan Works! Agency (MWA). (Exhibit A, pp. 31 – 36).
2. On December 18, 2025, Petitioner contacted MWA and requested services. (Exhibit A, p. 7).
3. On December 29, 2025, the Department sent Petitioner a Notice of TLFA Countable Month/Out of State Countable Month (Notice of Countable Month), which informed him that he failed to meet the TLFA participation requirement for December 2025; and as a result, received one countable month for TLFA.
4. On January 30, 2026, the Department sent Petitioner a Notice of Countable Month, that informed him that he failed to meet the TLFA participation requirement in January 2026; and as a result, received a second countable month for TLFA. (Exhibit A, pp. 11 – 12).
5. On February 8, 2026, the Department received a request for employment training from Petitioner. (Exhibit A, p. 9).
6. On February 12, 2026, the Department sent Petitioner a TLFA Third Countable Month/Out of State Countable Month Notice (Third Month Notice) which informed him that effective February 1, 2026, he had used two of his three TLFA months and, if he failed to satisfy the TLFA work requirement in that month, his FAP case would close. (Exhibit A, pp. 13 – 15).
7. On February 24, 2026, the Department received a verbal request for hearing from Petitioner regarding his FAP case. (Exhibit A, p. 4; p. 37, Serial No. 3).
8. On February 27, 2026, the Department sent Petitioner a Notice of Case Action (NOCA) that closed his FAP case effective March 1, 2026, because he used three TLFA countable months. (Exhibit A, pp. 16 – 17).

## **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 verbally requested a hearing regarding his FAP case. At the beginning of the hearing, Petitioner clarified that he disputed the Third Month Notice sent to him on February 12, 2026. The Department testified that it sent Petitioner a Third Month Notice because he failed to meet TLFA work requirements in December 2025, and January and February 2026. The record established that Petitioner's FAP case was subsequently closed on February 27, 2026, effective March 1, 2026, for using three TLFA countable months.

Effective December 1, 2025, 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 unless deferred or specifically excluded. BEM 620 (December 2025), pp. 1, 3 – 8. The Department sends a FAP Work Requirements Notice to clients who are subject to TLFA requirements and a client may satisfy the requirements by participating in a MWA Employment and Training program such as FAP Employment and Training (FAE&T), for 80 hours monthly (20 hours/week on average), among other options. BEM 620, pp. 1 – 2, 8 – 14. The FAE&T is available to all adults who receive FAP and are not receiving FIP, such as Petitioner. BAM 620, p. 14. The FAE&T program is an opportunity to learn valuable skills that will assist the individual with becoming employable. BAM 620, p. 14.

If a client fails to meet the work requirements in three countable months within the standardized period without good cause, they become ineligible for ongoing FAP benefits unless they reestablish eligibility or qualify for a TLFA deferral. BEM 620, pp. 1, 18 – 21. Good cause is having a valid reason for failing to a) work at least 80 hours monthly (20 hours/week on average), b) participate in an employment and training program at the MWA, or c) participate in workfare or self-initiated community service. BEM 620, p. 16. When a client claims good cause for failing to satisfy TLFA work requirements, the Department must determine whether good cause exists. BEM 620, pp. 16 – 17.

Here, Petitioner acknowledged that he did not work, complete community service, or request a TLFA deferral in December 2025 or in January or February 2026, and the

Department testified that MWA informed it that Petitioner did not complete the MWA intake process despite its attempts to contact Petitioner. However, Petitioner credibly testified that he went to MWA in person on December 18 and spoke to a representative and requested assistance services. He further testified that he received a telephone call from a representative later that day and was scheduled to receive assistance by telephone, including résumé preparation, on January 2, 2026. Petitioner testified that he didn't receive a telephone call from MWA on January 2, 2026, and attempted to contact MWA several times thereafter without success. When he was unable to reach anyone at MWA, he contacted the Department and informed it of the issue. Petitioner testified that the Department informed him that he needed to find an alternate way to satisfy the work requirement.

Although the Department testified that it had no record that Petitioner reported good cause for failing to satisfy TLFA work requirements, Petitioner's testimony regarding his efforts to meet the requirements and his contact with the Department was compelling and credible. However, there was no evidence that the Department evaluated whether Petitioner had good cause for his noncompliance with the TLFA work requirements. Therefore, based on the totality of the record, the Department failed to establish that it acted in accordance with policy when it determined Petitioner failed to satisfy his TLFA work requirement without good cause. BEM 620, pp. 14 – 15.

Additionally, policy requires that after the Department has issued the client a Third Month Notice, if the client fails to meet the work requirement by the end of the third countable month, the Department must send the client a NOCA, with timely notice, to close the FAP case or disqualify the individual client. BEM 620, p. 21. Timely notice must be mailed at least 11 days before the intended negative action takes effect to provide the client a chance to react to the proposed action. BAM 220 (October 2025), p. 5. In this case, the record established that the Department issued the NOCA on February 27, 2026, with an effective date of March 1, 2026. Because the NOCA in this case was not mailed at least 11 days prior to the closure of Petitioner's FAP case, the Department failed to establish that it acted in accordance with policy when it closed Petitioner's FAP case effective March 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 determined Petitioner failed to satisfy his TLFA work requirement without good cause and closed his FAP case effective March 1, 2026.

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 TLFA countable months, including whether Petitioner had good cause for noncompliance with the TLFA work requirements during each countable month;
2. If eligible, issue supplemental payments to Petitioner for any FAP benefits he was eligible to receive but did not effective March 1, 2026; and

Notify Petitioner of its decision in writing.