



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED], MI [REDACTED]

Date Mailed: August 6, 2019  
MOAHR Docket No.: 19-007080  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Kevin Scully

### **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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on August 1, 2019, from Lansing, Michigan. Petitioner represented herself. The Department of Health and Human Services was represented by Richkelle Curney.

### **ISSUE**

Did the Department of Health and Human Services (Department) properly deny Petitioner's application for Food Assistance Program (FAP) benefits?

### **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 re-applied for Food Assistance Program (FAP) benefits on [REDACTED] 2019, after the Department closed her benefits for failing to verify household income. Exhibit A, p 1.
2. Department records indicate that a telephone interview was attempted on March 28, 2019, but Petitioner did not answer her telephone and a message could not be left. Exhibit A, p 1.
3. Department records indicate that a telephone interview was attempted on March 29, 2019, but Petitioner did not answer her telephone and a message could not be left. Exhibit A, p 1.
4. Department records indicate that a telephone interview was attempted on April 1, 2019, but Petitioner did not answer her telephone. Exhibit A, p 1.

5. On April 10, 2019, the Department sent Petitioner an Appointment Notice (DHS-170) instructing her to participate in a required telephone eligibility interview at 11:00 a.m. on April 17, 2019, which was sent to her mailing address of record. Exhibit A, p 4.
6. Department records indicate that a telephone interview was attempted on April 17, 2019, and Petitioner answered her telephone, but refused to complete the interview. Exhibit A, p 1.
7. On April 15, 2019, the Department sent Petitioner an Appointment Notice (DHS-170) instructing her to participate in a required telephone eligibility interview at 8:30 a.m. on April 22, 2019, which was sent to her mailing address of record. Exhibit A, p 5.
8. Department records indicate that a telephone interview was attempted on April 25, 2019, and Petitioner answered her telephone, but refused to complete the interview. Exhibit A, p 1.
9. On April 25, 2019, the Department notified Petitioner that her Food Assistance Program (FAP) application had been denied and that she was not eligible for benefits as of March 26, 2019. Exhibit A, pp 2-3.
10. On June 28, 2019, the Department received Petitioner's request for a hearing protesting the denial of her Food Assistance Program (FAP) application.

### **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 Department will automatically generate an interview notice where required by policy. The Department will deny a FAP application if the client misses the eligibility interview and does not reschedule it within 30 days of the application date. Department of Health and Human Services Bridges Administrative Manual (BAM) 115 (April 1, 2019), pp 1-37.

Petitioner re-applied for FAP benefits on [REDACTED] 2019, after her benefits had closed for failing to verify income. The Department sent Petitioner written notice that she would be interviewed by telephone, which is a requirement to become eligible for FAP benefits as directed by BEM 115. After making several unsuccessful attempts to interview Petitioner, the Department was able to contact her by telephone.

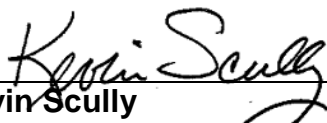
However, Petitioner ended the interviews and failed to complete the interviews. Therefore, on April 25, 2019, the Department notified Petitioner that she is not eligible for FAP benefits for failure to complete the required eligibility interview.

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] [REDACTED] 2019, Food Assistance Program (FAP) application.

**DECISION AND ORDER**

Accordingly, the Department's decision is AFFIRMED.

KS/hb

  
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**Kevin Scully**  
Administrative Law Judge  
for Robert Gordon, Director  
Department of Health and Human Services

**NOTICE OF APPEAL:** A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules  
Reconsideration/Rehearing Request  
P.O. Box 30639  
Lansing, Michigan 48909-8139

**DHHS**

Tara Roland 82-17  
8655 Greenfield  
Detroit, MI 48228

Wayne County (District 17), DHHS

BSC4 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

**Petitioner**

[REDACTED]  
[REDACTED]  
[REDACTED] MI [REDACTED]