



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]

Date Mailed: March 3, 2020  
MOAHR Docket No.: 20-000751  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Alice C. Elkin**

**ORDER OF DISMISSAL**  
**FOR LACK OF JURISDICTION**

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37, and 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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on February 24, 2020, from Detroit, Michigan. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED] Family Independence Manager (FIM).

Petitioner requested a hearing due to the Department's delay in processing her application for expedited Food Assistance Program (FAP) benefits. Petitioner applied for expedited FAP on January 6, 2020. Because Petitioner was not available for a phone interview when the Department worker called her on January 8, the interview was rescheduled for January 16. The interview was held on January 16 as scheduled. Petitioner was asked to provide additional documentation, which she did the same day. However, processing of the application, and certification of the case, was not completed until January 23, at which time Petitioner was approved for the full \$194 FAP allotment for a one-person FAP groups, pro-rated for January based on the January 6 application date. FAP benefits were issued to Petitioner on January 23, 2020, retroactive to the January 6, 2020 application date.

At the hearing, Petitioner did not dispute that she was approved for, and received, FAP benefits beginning from the January 6, 2020 date of application. She explained that she requested a hearing because she disagreed with the Department's failure to timely process her request for expedited service. Under Bridges Administrative Manual (BAM) 117 (January 2020), pp. 2-3, FAP groups entitled to expedited service must have a Bridge card onto which FAP benefits are deposited and access to their benefits no later than the seventh calendar day following the date of application unless (i) after the telephone interview is completed, it is found that the application is incomplete, in which case the standard of promptness begins on the day the signed, completed application is received by the local office, or (ii) entitlement to expedited service is not identified during

the screening process but is discovered during normal processing, in which case the standard of promptness begins on the date of discovery. The Department did not present any evidence that either of these exceptions applied to Petitioner's case. Therefore, Petitioner was entitled to expedited FAP benefits within seven days of her application, or by January 13, 2020.

The Department pointed out that Petitioner did not respond to a call made to her on January 8 for her expedited FAP interview, which is required as a condition of eligibility, and the interview was rescheduled to January 16, 2020 (Exhibit A, p. 14). However, Department policy provides that, when a FAP group cannot be contacted within one day of application to be interviewed, the interview must be conducted no later than one working day after contact is made. BAM 117, p. 3. It does not appear that the Department made any attempt to contact Petitioner after January 8, even though Petitioner testified that she contacted the Department multiple times after January 8 and before January 16 and received no response. Therefore, the Department did not act in accordance with Department policy in processing Petitioner's application for expedited FAP benefits.

While the evidence establishes that the Department did not act in accordance with Department policy with respect to processing her FAP application for expedited services, the undersigned's authority with respect to the delay of any action beyond the standard of promptness is limited in this case where, as of the hearing date, the evidence presented shows, and Petitioner acknowledges, that Petitioner was approved for the maximum FAP benefit allotment for a one-person FAP group and benefits were issued to her, retroactive to the January 6, 2020 application date. See BAM 600 (January 2020), p. 5; Mich Admin Code, R 792.11002(1). Where the issue of delayed processing is resolved through the approval of the application and issuance of benefits, the only remaining issue is a complaint about the misconduct of a state employee in the handling of a matter. Such a complaint is not a hearable issue for an ALJ. Mich Admin Code, R 792.11002(3). Rather, Petitioner is advised to send general FAP complaints, including allegations of inappropriate actions by Department staff, to any of the any of the following offices:

- The appropriate Department local office or self-service processing center.
- The Specialized Action Center:

Michigan Department of Health and Human Services  
Specialized Action Center  
235 S. Grand Avenue  
P.O. Box 30037  
Lansing, MI 48909  
Or call 855-275-6424 or 855-ASK-MICH.

- The Food and Nutrition Service (FNS) regional office:

U.S. Department of Agriculture  
FNS Midwest Regional Office  
77 W. Jackson Blvd, 20<sup>th</sup> Floor  
Chicago, Illinois 60604-3507

BAM 105 (October 2019), pp. 3, 8-9.

Because the ALJ has no jurisdiction in this matter under the circumstances presented, Petitioner's hearing request is, therefore, **DISMISSED** for lack of jurisdiction.

**IT IS SO ORDERED.**

ACE/tlf



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**Alice C. Elkin**  
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 Administrative Hearings and Rules.

**Via Email:**

MDHHS-Wayne-17-Hearings  
MOAHR

**Petitioner – Via First-Class Mail:**

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