



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: May 28, 2021  
MOAHR Docket No.: 21-001786  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Christian Gardocki

### **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; 42 CFR 438.400 to 438.424; 45 CFR 99.1 to 99.33; and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, a hearing was held via telephone conference line on May 20, 2021. Petitioner participated in the hearing only to give her brother authorization to represent her during the hearing. [REDACTED], Petitioner's brother, represented Petitioner as an authorized hearing representative (AHR). The Michigan Department of Health and Human Services (MDHHS) was represented by Diane Ramsey, specialist.

### **ISSUE**

The issue is whether MDHHS properly denied Petitioner's application requesting Food Assistance Program (FAP).

### **FINDINGS OF FACT**

The administrative law judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On [REDACTED], 2021, Petitioner applied for FAP benefits and reported that English was her preferred spoken and written language.
2. On February 18, 2021, MDHHS mailed Petitioner an Appointment Notice scheduling Petitioner for a FAP interview on [REDACTED], 2021, at 10:30 a.m.
3. On [REDACTED], 2021, an Arabic translator called Petitioner and was unable to conduct an interview because Petitioner spoke Bengali.

4. On February 25, 2021, MDHHS mailed Petitioner a Notice of Missed Interview form.
5. On [REDACTED], 2021, MDHHS called Petitioner for an interview. A voicemail was left after Petitioner did not answer.
6. On [REDACTED], 2021, MDHHS called Petitioner for an interview. A voicemail was left after Petitioner did not answer.
7. On March 8, 2021, MDHHS denied Petitioner's application for FAP benefits due to failing to be interviewed.
8. On April 2, 2021, Petitioner requested a hearing to dispute the denial of FAP benefits.

### **CONCLUSIONS OF LAW**

The Food Assistance Program [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. MDHHS administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing to dispute a denial of an application requesting FAP benefits. Exhibit A, pp. 4-5. Petitioner applied for FAP benefits on [REDACTED], 2021. Exhibit A, pp. 8-15. A Notice of Case Action dated March 8, 2021, stated that Petitioner's application was denied due to a failure to complete an interview. Exhibit A, pp. 29-32.

For FAP benefits, MDHHS must conduct an interview before approving benefits. BAM 115 (July 2020) p. 20. Interviews must be scheduled promptly to meet standards of promptness. *Id.*, p. 24. If a client misses an interview appointment, MDHHS is to send a Notice of Missed Interview advising a client that it is his/her responsibility to request another interview date. *Id.* If the client calls to reschedule, the interview should be held no later than the 30<sup>th</sup> day after application, if possible. *Id.*

MDHHS mailed a Notice of Appointment to Petitioner on February 18, 2021, scheduling Petitioner for an interview on [REDACTED], 2021. Exhibit A, pp. 19-20. An Arabic-speaking specialist called Petitioner at the scheduled interview time. MDHHS was unable to conduct the interview because Petitioner only spoke Bengali. The Arabic-speaking specialist quickly emailed Petitioner's specialist to inform her of the obstacle. Exhibit A, p. 21. MDHHS then mailed Petitioner a Notice of Missed Interview form which

warned Petitioner that her application would be denied if she was not interviewed within 30 days of her application date.

Consideration was given to faulting MDHHS for a lack of interview preparation; however, Petitioner gave MDHHS no notice of her need for a Bengali translator. Petitioner's application stated that she needed an interpreter, but it also stated a preferred spoken language of English. Exhibit A, p. 8. Under the circumstances, MDHHS could not have known to arrange for a Bengali translator for the interview on [REDACTED], 2021.

Despite the missed interview, MDHHS continued its attempts to interview Petitioner. Petitioner's specialist subsequently arranged for a Bengali speaker to call Petitioner. The Bengali speaker called Petitioner on February 26, 2021, and March 3, 2021, and left voicemails; his efforts were documented in emails to the testifying specialist. Exhibit A, pp. 23-26.

Petitioner's AHR testified that he left several voicemails for MDHHS over the last several months in an effort for Petitioner to be interviewed. MDHHS acknowledged receiving 2-3 voicemails before a hearing was requested. Notably, Petitioner's AHR was not listed on Petitioner's application as a member of the household or as an authorized representative. As a matter of confidentiality, MDHHS was precluded from contacting Petitioner's brother without Petitioner's written authorization.

Given the evidence, MDHHS was unable to interview Petitioner for FAP benefits and followed its procedures in attempting to do so. Thus, MDHHS properly denied Petitioner's application for FAP benefits. As discussed during the hearing, Petitioner's recourse is to reapply for FAP benefits.<sup>1</sup>


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<sup>1</sup> It was also recommended that Petitioner list her AHR as an authorized representative to simplify the interview process.

**DECISION AND ORDER**

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly denied Petitioner's application for FAP benefits dated [REDACTED], 2021. The actions taken by MDHHS are **AFFIRMED**.

CG/tm

  
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**Christian Gardocki**  
Administrative Law Judge

**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

**Via Email:**

MDHHS-Macomb-20-Hearings  
M. Holden  
D. Sweeney  
BSC4  
MOAHR

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

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