



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: December 20, 2021  
MOAHR Docket No.: 21-005475  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Janice Spodarek**

**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 telephone hearing was held on 12/14/2021.

Petitioner personally appeared and testified unrepresented.

The Department of Health and Human Services (Department) was represented by Donna Marcum, ES, and Ahmed Elahrag, APS.

Department Exhibit A.24 was offered and admitted into the record.

**ISSUE**

Did the Department properly deny Petitioner's Food Stamp (FAP) application?

**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] Petitioner applied for FAP with the MDHHS.
2. On 10/11/2021 two telephone calls were attempted by the Department. A recording indicated that the client was unavailable at that time.
3. On 10/20/2021 a phone call was made to client to schedule an interview; a message could not be left at that time as a recording indicated that client was not available.

4. On 10/26/2021 the Department returned a phone call from client but was unable to leave a message as client was 'not available.'
5. On 11/08/2021 the Department issued a Notice of Case Action informing client that her FAP application was denied for failure to complete the interview requirement.
6. On 11/19/2021 Petitioner made a verbal request for a hearing.

### **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, applicable policy and procedure is found primarily at BAM 115. Corresponding federal regulations are found at 7 CFR 273.2.

These policies require that an individual who receives welfare benefits from the State of Michigan have adequate verifications in their files. Failure to have proper verification(s) can subject the State of Michigan to financial penalties. Verifications include a required interview with an applicant prior to case opening. BAM.

In this case, the Department attempted to carry out its federal and state mandate(s) to ensure that an interview was conducted, and, that Petitioner's FAP file contain all necessary verification(s) required as a precursor to the receipt of federal welfare benefits. Here, Petitioner did not complete that process. Petitioner argued that she was confused and instead asked for an administrative hearing. Petitioner also stated that it was her fault that she gave an incorrect phone number which apparently was the reason that the Department was unable to reach Petitioner after multiple phone calls.

Respondent is further required to process all applications within a 60 day standard of promptness schedule.

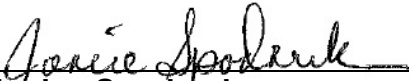
Petitioner offered no law or policy which would entitle her to prevail under these facts. Petitioner understands that she may reapply.

After a careful review of the credible and substantial evidence of record, the undersigned finds that the facts here support the denial by Department for Petitioner's failure to comply with the interview process. Under these facts, the Department's FAP denial must be upheld.

**DECISION AND ORDER**

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

JS/ml

  
\_\_\_\_\_  
**Janice Spodarek**  
Administrative Law Judge  
for Elizabeth Hertel, 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

**Via Email:**

MDHHS-Washtenaw-Hearings  
BSC4  
M. Holden  
D. Sweeney  
MOAHR

**Petitioner – Via USPS:**

██████████  
██████████████████  
██████████ MI ██████████