



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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██████████, MI ██████████

Date Mailed: June 8, 2022
MOAHR Docket No.: 22-001979
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Linda Jordan

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 on June 2, 2022 via teleconference. Petitioner appeared and represented herself. Petitioner participated in the hearing with the assistance of an interpreter. ██████████ ██████████, Assistance Payments Worker, appeared on behalf of the Michigan Department of Health and Human Services (MDHHS or Department).

ISSUE

Did MDHHS 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. On ██████████ 2022, Petitioner applied for FAP benefits (Exhibit A, p. 7).
2. On February 28, 2022, MDHHS sent Petitioner an Appointment Notice, which stated that Petitioner had an appointment scheduled with MDHHS on Tuesday, March 8, 2022 and that a MDHHS specialist would call her at the number she provided on her FAP application (Exhibit A, p. 12).
3. On March 8, 2022, MDHHS attempted to call Petitioner but could not reach her because her phone was not accepting calls (Exhibit A, p. 13).
4. On March 8, 2022, MDHHS sent Petitioner a Notice of Missed Appointment, which stated that an interview is required to apply for FAP benefits (Exhibit A, p. 14). The

Notice indicated that Petitioner needed to contact her MDHHS specialist by March 24, 2022 or her application for FAP benefits would be denied (Exhibit A, p. 14).

5. On March 24, 2022, MDHHS sent Petitioner a Notice of Case Action, indicating that her FAP application was denied for failure to complete the interview requirement (Exhibit A, pp. 15-16).
6. On [REDACTED], 2022, Petitioner requested a hearing to dispute the denial of her FAP application (Exhibit A, pp. 3-5).

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. MDHHS 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 filed a hearing request to challenge the denial of her FAP application. MDHHS alleged that the application was denied because Petitioner failed to complete the interview requirement.

Before MDHHS can approve an applicant for FAP, it must conduct a telephone interview to confirm eligibility and explain program requirements. BAM 115 (July 2021), pp. 17-21. MDHHS is required to schedule a FAP interview, and the interview must be held by the 20th day after the application date to allow the client at least ten days to provide verifications by the 30th day. *Id.*, p. 24. If the client misses the scheduled interview, MDHHS must send a Notice of Missed Interview, advising that it is the client's responsibility to request another interview date. *Id.* If the client fails to reschedule or misses the rescheduled interview, MDHHS will deny the application on the 30th day. *Id.*

The record shows that MDHHS sent Petitioner an Appointment Notice and attempted to contact Petitioner at the scheduled time (Exhibit A, pp. 12-13). MDHHS was unable to reach Petitioner because her phone was not accepting calls. After unsuccessfully attempting to contact Petitioner, MDHHS sent the Notice of Missed Appointment, which instructed Petitioner to contact MDHHS and complete the interview requirement, and advised that failure to do so would result in a denial of her FAP application (Exhibit A, p. 14). On March 24, 2022, MDHHS sent Petitioner a Notice of Case Action, indicating that

her FAP application was denied for failure to complete the interview requirement (Exhibit A, pp. 15-16).

At the hearing, Petitioner testified that she suffered from health problems and was admitted to the hospital during this time period. Additionally, a nonprofit agency helped her submit the application and Petitioner believed that the agency would receive the notices and would act on her behalf. There was no evidence that Petitioner had an Authorized Representative (AR). MDHHS advised Petitioner on the process for adding an AR to her case. Petitioner acknowledged that she missed the scheduled interview and that she did not attempt to contact MDHHS to reschedule or request assistance after receiving the Notice of Missed Appointment.

Therefore, the record shows that MDHHS followed policy when it when it denied Petitioner's application for FAP benefits for failure to complete the interview requirement. MDHHS scheduled the FAP interview according to policy, attempted to contact Petitioner and sent her the proper notices when it was unable to reach her.

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 MDHHS acted in accordance with Department policy when it denied Petitioner's FAP application.

DECISION AND ORDER

Accordingly, MDHHS' decision is **AFFIRMED**.

LJ/tm



Linda Jordan
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

Email Recipients:

MDHHS-Wayne-17-Hearings
M. Holden
D. Sweeney
BSC4
MOAHR

First-Class Mail Recipient:

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