



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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Date Mailed: October 11, 2022
MOAHR Docket No.: 22-004008
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Danielle Nuccio

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 October 6, 2022. The Petitioner appeared and represented herself. The Department of Health and Human Services (MDHHS) was represented by Valarie Foley, Hearings Facilitator.

Petitioner left the hearing prior to its conclusion, prior to her full testimony taken, and questioning by MDHHS, without notice or permission. Therefore, only the limited testimony from Petitioner will be available for consideration.

ISSUE

Did MDHHS properly deny Petitioner's Food Assistance Program (FAP) application for failure to complete the application phone interview?

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, ██████████, 2022, and ██████████ 2022, Petitioner submitted applications for FAP for a five-person group.
2. On August 8, 2022, MDHHS issued an Appointment Notice to Petitioner, informing her that a telephone interview was scheduled for Tuesday, August 16, 2022, at 9:15AM and providing her the necessary details for the interview (Exhibit B, p. 2).
3. On August 16, 2022, MDHHS attempted to complete a phone interview with Petitioner as part of the FAP application process. Petitioner did not answer the

phone call and MDHHS left Petitioner a voicemail message. MDHHS then attempted to call Petitioner's husband and left him a voicemail (Exhibit A, p. 6).

4. On August 16, 2022, MDHHS sent Petitioner a notice that she missed the required interview to apply for FAP benefits. In this notice, MDHHS advised Petitioner that it was her responsibility to reschedule the interview, otherwise her application would be denied (Exhibit A, p. 20).
5. On August 22, 2022, MDHHS issued an Appointment Notice to Petitioner, informing her that a telephone interview was scheduled for Tuesday, August 24, 2022, at 8:30AM and providing her the necessary details for the interview (Exhibit B, p. 1).
6. On August 24, 2022, MDHHS attempted to complete a phone interview with Petitioner as part of the FAP application process. Petitioner did not answer the phone call and MDHHS left Petitioner a voicemail message (Exhibit A, p. 6).
7. On September 6, 2022, MDHHS issued a Notice of Case Action informing Petitioner that her FAP application has been denied for failure to complete the interview requirement (Exhibit A, pp. 16-19).
8. On September 9, 2022, MDHHS received Petitioner's timely submitted hearing request disputing 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. 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.

Petitioner disputes MDHHS's denial of her FAP application for failing to complete the required interview with MDHHS.

Following registration of a FAP application, MDHHS **must** interview clients. BAM 115 (October 1, 2022), p. 1 (Emphasis added). The purpose of the interview is to explain program requirements to the applicant and to gather information for determining the group's eligibility. BAM 115, p. 17-18.

During the interview, MDHHS will:

- State the client's rights and responsibilities
- Review and update the application.
- Help complete application items not completed when it was filed.
- Resolve any unclear or inconsistent information.
- Request needed verification not brought to the interview.
- Advise the client of the standard of promptness for processing.
- Make services referrals if needed.
- Confirm if the client needs a MiHealth card and/or Bridge card.
- Advise how and when they receive benefits.

BAM 115, p. 18-19.

FAP interviews must be held by phone by the 20th day after the application date to allow the client at least 10 days to provide verifications by the 30th day. If clients miss an interview appointment, Bridges sends a Notice of Missed Interview, advising them that it is the clients' responsibility to request another interview date. It sends a notice only after the first missed interview. If the client calls to reschedule, the interview will be scheduled prior to the 30th day from application submission, if possible. If the client fails to reschedule or misses the rescheduled interview, the application will be denied on the 30th day after it was submitted. BAM 115, p. 24.


MDHHS testified that they attempted to interview Petitioner on August 16, 2022. Petitioner did not answer the phone call and MDHHS left her a voicemail message. Petitioner confirmed that the phone number on the Appointment Notice is her correct phone number. MDHHS then attempted to contact Petitioner's husband. He acknowledged receiving the call but testified that he was unable to answer since he was at work. MDHHS left him a voicemail. MDHHS then issued a Notice of Missed Appointment to Petitioner informing her that she missed the scheduled interview, and it is her responsibility to reschedule it or her applications would be denied. MDHHS issued another Appointment Notice to Petitioner, informing her that a telephone interview was scheduled again for Tuesday, August 24, 2022, and providing her the necessary details for the interview. MDHHS attempted to interview Petitioner on August 24, 2022. Petitioner testified that she missed the appointment and took responsibility for that interview not taking place. Petitioner does not dispute that MDHHS sent her an Appointment Notice or a Notice of Missed Appointment. Petitioner testified that she did not receive a phone call or voicemail on August 16, 2022, but no corroborating evidence was presented regarding this statement. However, even if MDHHS did not call Petitioner on August 16, they did contact her husband and provided additional opportunities for the application interview to take place. Since Petitioner has not completed the application interview as required, MDHHS acted in accordance with policy in denying her FAP application.

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 MDHHS acted in

accordance with Department policy when it denied Petitioner's FAP application for failure to complete the required interview.

DECISION AND ORDER

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



Danielle Nuccio
Administrative Law Judge

DN/mp

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-Electronic Mail :

DHHS
MDHHS-Wayne-19-Hearings
D. Sweeney
M. Holden
MOAHR
BSC4

Via-First Class Mail :

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