



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: November 21, 2022
MOAHR Docket No.: 22-004782
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler

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 November 17, 2022. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by Channel Allen, Eligibility Specialist.

ISSUE

Did the Department properly deny Petitioner's Food Assistance Program (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 September 7, 2022, the Department received Petitioner's FAP application.
2. On September 20, 2022, the Department issued an Appointment Notice to Petitioner informing her that an appointment had been scheduled for September 28, 2022 at 2:45 PM via telephone and that the Department would be contacting her.
3. On September 28, 2022, the FAP interview was not held; who was at fault is unclear.
4. On September 28, 2022, the Department issued a Notice of Missed Appointment informing Petitioner that because her interview was not held, it was now her responsibility to reschedule the appointment by October 7, 2022 otherwise her

application would be denied. The notice also provided Petitioner with her case worker's name, direct phone line, as well as the local office address.

5. On September 30, 2022, Petitioner's case worker attempted to call Petitioner for her interview but was unable to reach Petitioner and a voicemail was left.
6. On October 3, 2022, the caseworker's supervisor attempted to reach Petitioner by phone but was unsuccessful and a voicemail was left.
7. On October 7, 2022, the caseworker's supervisor again attempted to call Petitioner and left another voicemail.
8. On the same day, the Department issued a Notice of Case Action to Petitioner informing her that her application had been denied because she failed to complete the application interview.
9. On October 13, 2022, the Department received Petitioner's request for hearing disputing the denial of her FAP application indicating she could not reach her case worker because the voicemail box was full.
10. On October 19, 2022, the Department attempted to contact Petitioner by phone but again was unsuccessful and left a voicemail.
11. On October 21, 2022, the Department attempted to reach Petitioner by phone but again was unsuccessful.
12. On November 1, 2022, the parties connected and were able to complete the interview.
13. At the time of the hearing, Petitioner's FAP eligibility was pending for verifications.
14. Petitioner disputes receiving any calls or voicemails from the Department except on November 1, 2022 when the interview was completed.
15. Petitioner made multiple attempts to reach her caseworker, but the voicemail was always full.

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, Petitioner disputes the Department's decision to deny her application for failure to complete the interview process. Interviews are used to explain program requirements and gather information to determine eligibility. BAM 115 (July 2022), p. 17. Interviews are required in FAP cases. BAM 115, pp. 17-19. FAP applications should not be denied for failure to complete the interview until the 30th day after the application date. BAM 115, p. 19. If a client misses an interview, the Department is required to send a Notice of Missed Interview advising the client it is their responsibility to reschedule the appointment. BAM 115, p. 24. If a client fails to reschedule or misses the rescheduled interview, the application is denied on the 30th day. *Id.*

In this case, it is unclear whether Petitioner's case worker made the call for the interview as scheduled or if Petitioner failed to answer the initial call for the interview. In any case, the interview was not held and per policy, a Notice of Missed Appointment was sent to Petitioner informing her that she now had the obligation to reschedule the appointment. Both parties made clear efforts to connect between the date of the originally scheduled interview and when it was actually held on November 1, 2022. However, policy is unambiguous that the burden of rescheduling the appointment was on Petitioner to ensure that the interview was rescheduled and held. If Petitioner was unable to reach her caseworker by phone, it was then her obligation to attempt to contact her caseworker's supervisor or local office by phone, email, or if necessary, in-person. Since the interview was not rescheduled by October 7, 2022, the Department properly denied Petitioner's 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 the Department acted in accordance with Department policy when it denied Petitioner's application for failure to complete the interview process.

DECISION AND ORDER

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

AMTM/cc



Amanda M. T. Marler
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-Electronic Mail :

Interested Party

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

Via-First Class Mail :

Petitioner

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MI [REDACTED]