



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

[REDACTED]  
[REDACTED], MI [REDACTED]

Date Mailed: December 12, 2022  
MOAHR Docket No.: 22-005104  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**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 December 5, 2022. The Petitioner appeared and represented herself. The Department of Health and Human Services (MDHHS) was represented by Craig Smith, Family Independence Specialist.

### **ISSUES**

1. Did MDHHS properly deny Petitioner's application for the Food Assistance Program (FAP) for failure to complete the application interview?
2. Did MDHHS properly deny Petitioner's application for the Family Independence Program (FIP) for failure to timely submit the requested verifications?

### **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], 2022, Petitioner applied for FAP and FIP for a group size of four, consisting of one minor child, two adults, and herself.
2. On September 20, 2022, MDHHS issued a Verification Checklist (VCL) to Petitioner, requesting that she submit verification of school attendance, self-employment, State SSI Payment (SSP), residential address, and relationship with to minor child by September 30, 2022 (Exhibit A, pp. 6-8).
3. On October 13, 2022, MDHHS attempted to complete a phone interview with Petitioner as part of the application process. Petitioner did not answer the phone call and MDHHS left Petitioner a voicemail message (Exhibit A, p. 14).

4. On October 14, 2022, Petitioner submitted the requested verifications to MDHHS (Exhibit A, p. 14).
5. On October 14, 2022, MDHHS issued a Notice of Case Action to Petitioner, informing her that her FAP case was denied for failure to complete the application interview requirement and that her FIP case was denied for failure to submit the requested verifications and denied as to the two adults in her household because they would need to apply separately (Exhibit A, pp. 9-13).
6. On November 4, 2022, MDHHS received Petitioner's timely submitted hearing request disputing the denial of her FAP and FIP application (Exhibit A, pp. 3-4).

### **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.

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Department of Human Services) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101-.3131.

In this case, Petitioner disputes the denial of her FAP application for failure to complete the application interview requirement and the denial of her FIP application for failure to submit the requested verifications timely.

Following registration of an application, MDHHS must interview clients. BAM 115 (July 2022), p. 1. 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 must not deny the application if the client has not participated in a scheduled initial interview until the 30th day after the application. date even if she has returned all verification. BAM 115, pp. 18-19.<sup>1</sup>

In this case, MDHHS called Petitioner on October 13, 2022, but Petitioner did not answer the phone call and MDHHS left Petitioner a voicemail message. However, MDHHS testified that Petitioner was never issued an Appointment Notice notifying her of the interview date and time and was not issued a Notice of Missed Interview, informing her that an interview needed to take place, contrary to policy. Additionally, MDHHS denied Petitioner's September 20, 2022 application on October 14, 2022, which is prior to the 30 days from application date as required by policy. Since MDHHS did not properly notify Petitioner of the application interview, and denied her application prior to the 30 days from application date, MDHHS did not act in accordance with policy in denying Petitioner's FAP application for failure to complete the application interview.

MDHHS denied Petitioner's FIP case for failure to return the requested verifications timely. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (January 2022), p. 1. MDHHS must allow the client 10 calendar days to provide the verification that is requested. Verifications are considered to be timely if received by the date they are due. MDHHS will issue a negative action notice when the client indicates refusal to provide a verification, or the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130, p. 7. In this case, MDHHS issued a VCL on September 20, 2022 to Petitioner, requesting that the specified verifications be submitted on or before September 30, 2022 (see Exhibit A, pp. 6-8). Petitioner submitted all requested verification documents on October 14, 2022. The Notice of Case Action was issued on October 14, 2022, informing Petitioner that

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<sup>1</sup> For FIP, if the client misses an interview appointment, the application may be denied after the 10th day from the date the Appointment Notice, was sent. BAM 115, p. 23. However, Petitioner's FIP application denial was not due to failure to complete the application interview.

her FIP application was denied for failure to return the requested verifications timely. It is likely that this Notice of Case Action was issued prior to MDHHS receiving Petitioner's verifications that day. Only adequate notice is required for an application denial. BAM 130, p. 8. An adequate notice is a written notice sent to the client at the same time an action takes effect (not pended). BAM 220 (April 2022), p. 3. In this case, MDHHS provided Petitioner with adequate notice that her FIP application was denied for failure to timely submit the requested verifications. MDHHS acted in accordance with policy in denying Petitioner's FIP application. It is noted that MDHHS advised Petitioner that she may submit a new FIP application for consideration now that MDHHS has received all required documents.

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 FIP case for failure to return the requested verifications and did not act in accordance with Department policy when it denied Petitioner's FAP application for failure to complete the application interview.

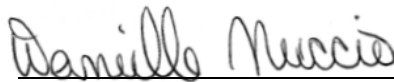
### **DECISION AND ORDER**

Accordingly, the Department's decision is **AFFIRMED IN PART** with respect to FIP and **REVERSED IN PART** with respect to FAP.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reregister Petitioner's [REDACTED], 2022 FAP application;
2. Reprocess the FAP application for [REDACTED], 2022 ongoing;
3. If Petitioner is eligible for benefits, issue supplements to Petitioner for any FAP benefits she was eligible to receive but did not from [REDACTED], 2022 ongoing;
4. Notify Petitioner of its decision in writing.

DN/mp

  
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**Danielle Nuccio**  
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 :**

**DHHS**  
MDHHS-Wayne-31-Grandmont-Hearings  
D. Sweeney  
B. Sanborn  
M. Holden  
MOAHR  
BSC4

**Via-First Class Mail :**

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