



GRETCHEN WHITMER
GOVERNOR

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

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DIRECTOR

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Date Mailed: January 11, 2023
MOAHR Docket No.: 22-005598
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 via telephone conference on January 4, 2023. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Candice Benns, hearings facilitator.

ISSUES

The first issue is whether MDHHS properly denied Petitioner's application for cash assistance benefits.

The second issue is whether MDHHS properly denied 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 cash assistance and FAP benefits and reported not being any of the following: pregnant, a caretaker to a minor child, a refugee, or disabled.
2. On October 5, 2022, MDHHS called Petitioner for an interview and received no answer.
3. On an unspecified date, MDHHS scheduled a telephone interview appointment with Petitioner for October 18, 2022, at 1:30 p.m.

4. On October 18, 2022, MDHHS failed to call Petitioner for a telephone interview.
5. On October 18, 2022, MDHHS mailed Petitioner notice that an interview was missed and that it was Petitioner's responsibility to reschedule.
6. On October 26, 2022, Petitioner called MDHHS to schedule an interview. MDHHS returned Petitioner's call and spoke to Petitioner for approximately one minute.
7. On November 3, 2022, MDHHS denied Petitioner's application due to an alleged failure by Petitioner to be interviewed; MDHHS also denied Petitioner's application for cash due to Petitioner not meeting the eligibility requirements for any cash programs.
8. On November 23, 2022, Petitioner requested a hearing to dispute the denial of FAP and cash benefits.

CONCLUSIONS OF LAW

The 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. MDHHS administers the 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. FIP policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-119b. The Department of Health and Human Services (formerly known as the Department of Human Services) administers the SDA program pursuant to 42 CFR 435, MCL 400.10 and Mich Admin Code, R 400.3151-.3180. SDA policies are contained in the BAM, BEM, and RFT, as are policies for Refugee Cash Assistance (RCA).

Petitioner requested a hearing, in part, to dispute a denial of cash assistance. Exhibit A, pp. 3-4. Petitioner applied for cash assistance on September 30, 2022. Exhibit A, pp. 11-17. A Notice of Case Action dated November 3, 2022, stated that Petitioner was denied cash assistance due to not meeting any cash program eligibility requirements. Exhibit A, pp. 8-9

FIP, SDA, and RCA are cash assistance programs designed to help individuals and families become self-sufficient. BEM 209 (January 2022) p. 1. FIP eligibility requires pregnancy and/or status as a caretaker to a minor child (see BEM 210). RCA eligibility requires status as a refugee (see BEM 215). SDA requires a claim of disability (see BEM 214). Petitioner's testimony acknowledged being neither pregnant, a caretaker to a minor child, a refugee, nor disabled.

The evidence established that Petitioner meets none of the criteria for any cash assistance program. Thus, MDHHS properly denied Petitioner's application for cash assistance.

The 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 the FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011. FAP policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner also requested a hearing to dispute a denial of FAP benefits. Exhibit A, pp. 3-4. Petitioner applied for FAP benefits on September 30, 2022. Exhibit A, pp. 11-17. A Notice of Case Action dated November 3, 2022, stated that Petitioner's application was denied due to a failure to complete an application interview. Exhibit A, pp. 21-22.

For FAP benefits, MDHHS must conduct a telephone interview before approving benefits. BAM 115 (July 2022) p. 20. Interviews must be scheduled promptly to meet standards of promptness. *Id.*, p. 23. If a client misses an interview appointment, MDHHS is to send a Notice of Missed Interview (DHS-254) advising a client that it is his/her responsibility to request another interview date. *Id.* If the client calls to reschedule, the interview should be held no later than the 30th day after application, if possible. *Id.* MDHHS is to not deny the application if the client has not participated in a scheduled initial interview until the 30th day after the application. *Id.*, p. 6 and 18.

MDHHS testimony indicated that a specialist called Petitioner on October 5, 2022, and a voicemail was left. MDHHS also testified that an appointment was scheduled for October 18, 2022; MDHHS acknowledged it failed to contact Petitioner on the scheduled appointment date. MDHHS attempted to rectify its error by calling Petitioner on November 5, 2022, but Petitioner did not answer.

Petitioner testified that she called MDHHS on October 5, 2022, after receiving a voicemail, but MDHHS did not answer. Petitioner also testified that MDHHS briefly spoke with her on October 26, 2022, and implied that that an interview was completed; Petitioner also testified that MDHHS cut the conversation after only about a minute. Petitioner's testimony acknowledged she may not have always answered when MDHHS called, but it was only because the phone number on her caller ID was blocked or an international number

The evidence established that MDHHS failed to call Petitioner for a scheduled interview date and time. The evidence further established that Petitioner did or attempted to comply with interview requirements. Thus, the denial of Petitioner's application due to a failure to be interviewed was improper.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly denied Petitioner's application for cash benefits dated September 30, 2022. Concerning Petitioner's dispute of cash assistance, the actions taken by MDHHS are **AFFIRMED**.

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS improperly denied Petitioner's application for FAP benefits. It is ordered that MDHHS commence the following actions within 10 days of the date of mailing of this decision:

- (1) Reregister Petitioner's application requesting FAP benefits dated September 30, 2022; and
- (2) Process Petitioner's application subject to the finding that MDHHS failed to call Petitioner for a scheduled interview and that Petitioner attempted to comply with interview requirements.

The actions taken by MDHHS are **REVERSED**.

CG/mp



Christian Gardocki

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

