



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: February 13, 2023
MOAHR Docket No.: 23-000097
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 February 6, 2023. The Petitioner was represented by Mhamuda Ullah, an adult member of her FAP group. The Department of Health and Human Services (MDHHS) was represented by Dania Ajami, Lead Worker.

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, Petitioner submitted an application for FAP for a two-person group (Exhibit A, pp. 5-11).
2. On November 21, 2022, MDHHS issued an Appointment Notice to Petitioner, informing her that a telephone interview was scheduled for Tuesday, November 29, 2022, at 10:45AM, and providing her the necessary details for the interview (Exhibit A, p. 12).
3. On November 29, 2022, MDHHS issued a Notice of Missed Appointment to Petitioner informing her that she missed the required interview. In this notice, MDHHS advised Petitioner that it was her responsibility to reschedule the interview, otherwise her application would be denied (Exhibit A, p. 13).

4. On December 21, 2022, MDHHS issued a Notice of Case Action to Petitioner informing that her FAP application has been denied for failure to complete the interview requirement (Exhibit A, pp. 15-18).
5. On January 6, 2023, MDHHS received Petitioner's timely submitted hearing request disputing the denial of her FAP application (Exhibit A, p. 3).

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 November 20, 2022 FAP application for failing to complete the required application 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, MDHHS 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.

In this case, MDHHS presented case comments from Petitioner's case file showing that MDHHS attempted to conduct the interview with Petitioner by calling her on November 21, 2022 and November 29, 2022. However, the calls were unanswered by Petitioner, and her voicemail box was full (see Exhibit A, p. 14). After being unable to reach Petitioner, MDHHS denied her FAP application on December 21, 2022. Petitioner testified that she did not receive the Appointment Notice until after the interview date and confirmed that she did not participate in the interview on November 29, 2022. Petitioner presented e-mails to the caseworker listed on the Appointment Notice, Z. Sabra, from December 18, 2022 and December 20, 2022 showing that Petitioner was attempting to reschedule the application interview (see Exhibit 1). MDHHS confirmed that the e-mail address that Petitioner sent these requests to is an active caseworker e-mail address. MDHHS was unaware why these e-mails were unanswered and why the interview was not rescheduled. Since Petitioner attempted to reschedule and participate in the required application interview within 30 days of applying for FAP, MDHHS should not have denied her FAP application. Therefore, MDHHS did not act in accordance with policy in denying 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 MDHHS did not act in accordance with Department policy when it denied Petitioner's November 20, 2022 FAP application for failure to complete the application interview.

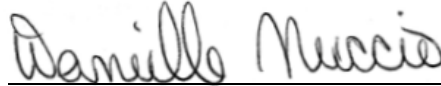
DECISION AND ORDER

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

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 the [REDACTED] 2022 application;
2. Reprocess the application 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.



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-55-Hearings
D. Sweeney
M. Holden
MOAHR
BSC4

Via-First Class Mail :

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