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GOVERNOR

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

Date Mailed: August 31, 2023  
MOAHR Docket No.: 23-004269  
Agency No.: ██████████  
Petitioner: ██████████ ██████████

**ADMINISTRATIVE LAW JUDGE:** Aaron McClintic

**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 August 23, 2023, from Lansing, Michigan. The Petitioner was represented by his Authorized Representative ██████████ ██████████. The Department of Health and Human Services (Department) was represented by Valerie Foley Hearing Facilitator. Department Exhibits 1-3 were received and admitted.

**ISSUE**

Did the Department properly deny Petitioner's Food Assistance Program (FAP) for failing to complete the redetermination 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 ██████████ ██████████ 2023, Petitioner applied for FAP benefits.
2. On June 13, 2023, the Department attempted to contact Petitioner at the cellphone number he provided but not his "home" number on the application.
3. On July 5, 2023, Notice of Case Action was sent to Petitioner informing him that his application was denied for failing to complete interview.
4. On July 24, 2023, Petitioner requested hearing disputing the denial of FAP.

## **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.

## **INTERVIEWS**

### **FIP, SDA, RCA, CDC and FAP**

The purpose of the interview is to explain program requirements to the applicant and to gather information for determining the group's eligibility.

The interview is an official and confidential discussion. Its scope must be limited to both of the following:

Collecting information and examining the circumstances directly related to determining the group's eligibility and benefits.

Offering information on programs and services available through MDHHS or other agencies.

The person interviewed may be any responsible group member **or** AR. For CDC, the AR **cannot** be the child care provider, a department employee, or a recruiter. The client may have any other person present.

Do the following during the interview:

State the client's rights and responsibilities; see BAM 105.

Review and update the application.

Help complete application items **not** completed when it was filed.

Resolve any unclear or inconsistent information.

Note: For FAP, if the clients' expenses exceed their income, have a discussion with them and document the case.

Determine the client's expenses and current situation by:

Adding all of the client's expenses such as rent, mortgage, utilities, taxes, etc. When determining the utility amount to include in the calculation, do **not** use the heat and utility standards; use the average monthly amount the client is responsible to pay. Verification of their actual bill(s) is not required.

Asking if they are behind in their bills. For example, ask if they have a shutoff notice, eviction, foreclosure, defaulted on a medical bill, someone else is paying their expenses, etc. If they are not current on their bills or someone else is paying their bills, a front-end eligibility (FEE) referral may not be needed based on the specialist's discussion with the client.

If after the expenses vs. income calculation is completed and the client's situation is still questionable, open the case and refer to FEE.

Document the entire interview. An interview guide is available in Bridges as a source for documentation (for MDHHS-1171 and MI Bridges applications). Request needed verification **not** brought to the interview.

Advise the client of the SOP for processing.

Make services referrals if needed.

Confirm if the client needs a Mihealth card and/or Bridge card.

Advise cash and/or FAP clients how and when they receive benefits.

For FAP, the client or AR (interviewed on the client's behalf) must be offered a copy of their completed application. The copy must have the Social Security numbers for anyone listed and/or any mention of domestic violence, redacted.

### **FAP and CDC**

An interview is required before denying assistance even if it is clear from the application or other sources that the group is ineligible.

For CDC do not deny the application if the client has not participated in the scheduled initial interview until the 10th day after the scheduled interview, in order to provide time for the client to reschedule. If the client reschedules the interview and again fails to participate, CDC may be denied.

### **FAP Only**

Do **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 he/she has returned all verifications; see **Scheduling Interviews** for FAP only in this item. BAM 115

In this case, Petitioner applied for FAP benefits and provided two telephone numbers on the application. The Department contacted the [REDACTED] phone number but not the [REDACTED] area code number. The 313 number was listed first as the home phone. Both numbers should have been contacted. Therefore, the denial for failing to complete redetermination interview was improper and incorrect. BAM 115

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 did not act in accordance with Department policy when it denied Petitioner's FAP application for failing to complete interview.


**DECISION AND ORDER**

Accordingly, the Department's 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. Reinstate and reprocess the FAP application going back to the date of application.
2. Award FAP benefits if Petitioner if found to be eligible.

AM/nr

  
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Aaron McClintic  
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

