



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
SUZANNE SONNEBORN  
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA  
ACTING DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED], MI [REDACTED]

Date Mailed: September 13, 2023  
MOAHR Docket No.: 23-004637  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Linda Jordan**

### **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 on September 7, 2023 via Zoom. Petitioner appeared and represented himself. Markita Mobley, Assistance Payments Worker, appeared on behalf of the Michigan Department of Health and Human Services (MDHHS or Department).

### **ISSUE**

Did MDHHS properly deny 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 June 26, 2023, Petitioner applied for FAP benefits (Exhibit A, p. 6).
2. On June 28, 2023, MDHHS sent Petitioner an Appointment Notice, indicating that he had a scheduled telephone appointment with MDHHS on July 6, 2023 at 8:00 AM (Exhibit A, p. 13).
3. On July 6, 2023, MDHHS sent Petitioner a Notice of Missed Appointment, which indicated that Petitioner missed a scheduled interview, and that it was now his responsibility to contact MDHHS (Exhibit A, p. 14).

4. On July 27, 2023, MDHHS sent Petitioner a Notice of Case Action indicating that his application for FAP was denied for failure to complete the interview requirement (Exhibit A, pp. 16-17).
5. On August 4, 2023, Petitioner requested a hearing to dispute the denial of his FAP 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. MDHHS 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 filed a hearing request to challenge the denial of his FAP application. MDHHS alleged that the application was denied because Petitioner failed to complete the FAP interview requirement.

Before MDHHS can approve an applicant for FAP, it must conduct a telephone interview to confirm eligibility and explain program requirements. BAM 115 (January 2023), p. 20. MDHHS is required to schedule a FAP interview, and the interview must be held by the 20th day after the application date to allow the client at least ten days to provide verifications by the 30th day. *Id.*, p. 22. If the client misses the scheduled interview, MDHHS must send a Notice of Missed Interview, advising that it is the client's responsibility to request another interview date. *Id.*, p. 23. If the client fails to reschedule or misses the rescheduled interview, MDHHS will deny the application on the 30th day. *Id.*

The record shows that MDHHS sent Petitioner an Appointment Notice informing him that there was a scheduled appointment on July 6, 2023 at 8:00 AM (Exhibit A, p. 13). MDHHS alleged that it was unable to reach Petitioner at that time. After unsuccessfully attempting to contact Petitioner, MDHHS sent the Notice of Missed Appointment, which instructed Petitioner to contact MDHHS and complete the interview requirement and advised that failure to do so would result in a denial of his FAP application (Exhibit A, p. 14). On July 27, 2023, MDHHS sent Petitioner a Notice of Case Action, indicating that his FAP application was denied for failure to complete the interview requirement (Exhibit A, pp. 16-17).

At the hearing, Petitioner testified that he notified MDHHS that his phone number had changed prior to the scheduled hearing time. He further testified that he did not receive a phone call at the scheduled hearing time. He subsequently attempted to call MDHHS that day to complete the interview requirement but was unable to reach anyone initially. He called again and was instructed that a specialist would be contacting him later that day. He did not receive a call from MDHHS on that day. After he was unable to connect with MDHHS, he went into the local MDHHS office for additional help and the MDHHS representative advised him to resolve the matter through an administrative hearing. Petitioner's testimony was credible and un rebutted.

The record shows that Petitioner attempted to complete the interview requirement by calling MDHHS and visiting the local office, but he was unable to do so due to circumstances beyond his control.

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 MDHHS did not act in accordance with Department policy when it denied Petitioner's application for FAP.

### **DECISION AND ORDER**

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

MDHHS 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 and reprocess Petitioner's June 26, 2023 FAP Application;
2. Determine Petitioner's eligibility for FAP from June 26, 2023 ongoing;
3. Issue supplemental payments to Petitioner for any FAP benefits that he was eligible to receive but did not, from June 26, 2023 ongoing; and
4. Notify Petitioner of its decision in writing.

LJ/tm

  
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**Linda Jordan**  
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**  
Caryn Jackson  
Wayne-Hamtramck-DHHS  
12140 Joseph Campau  
Hamtramck, MI 48212  
**MDHHS-Wayne-55-  
Hearings@michigan.gov**

**Interested Parties**

M. Holden  
D. Sweeney  
BSC4

**Via-First Class Mail :**

**Petitioner**

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