



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], MI [REDACTED]

Date Mailed: November 15, 2023
MOAHR Docket No.: 23-006688
Agency No.: [REDACTED]
Petitioner: [REDACTED]

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 November 9, 2023. Petitioner appeared and was unrepresented. [REDACTED] [REDACTED] Petitioner's aunt, testified on behalf of Petitioner. The Michigan Department of Health and Human Services (MDHHS) was represented by Monique Lee, specialist.

ISSUE

The 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 [REDACTED] [REDACTED] 2023, Petitioner applied for cash assistance and FAP benefits.
2. On August 18, 2023, MDHHS called Petitioner for an application interview and Petitioner did not answer.
3. On August 18, 2023, MDHHS sent Petitioner notice of a telephone interview appointment scheduled for August 25, 2023.
4. On August 25, 2023, MDHHS called Petitioner at the interview time, but Petitioner did not answer.

5. On August 25, 2023, Petitioner called MDHHS and reported that she had a spam blocker on her phone and asked MDHHS to call a different phone number.
6. On August 28, 2023, MDHHS called Petitioner at the phone number on Petitioner's application and was unable to speak to Petitioner.
7. On August 28, 2023, MDHHS sent Petitioner notice of a telephone interview appointment scheduled for September 5, 2023.
8. On September 5, 2023, MDHHS failed to call Petitioner.
9. On September 18, 2023, MDHHS sent Petitioner notice of a telephone interview appointment scheduled for September 20, 2023.
10. On September 18, 2023, MDHHS denied Petitioner's FAP application due to a failure to be interviewed.
11. As of September 20, 2023, Petitioner had not received notice of the telephone appointment scheduled for that day.
12. On October 6, 2023, Petitioner requested a hearing to dispute the denial of FAP benefits.
13. On November 9, 2023, during an administrative hearing, Petitioner withdrew her dispute over cash assistance 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 both cash assistance programs: FIP and SDA. Exhibit A, pp. 4-6. Petitioner applied for cash benefits on August 18, 2023. Exhibit A, pp. 25-32. During the hearing, Petitioner testified she spoke to her specialist and that she no longer needs a hearing to dispute SDA or FIP benefits.

MDHHS had no objections to Petitioner's hearing request withdrawal. Based on her withdrawal, Petitioner's hearing request concerning FIP and SDA will be dismissed.

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. 4-6. Petitioner applied for FAP benefits on [REDACTED] [REDACTED] 2023. Exhibit A, pp. 25-32. A Notice of Case Action dated September 18, 2023, stated that Petitioner's application was denied due to a failure to complete an application interview. Exhibit A, pp. 18-21.

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 testified it called Petitioner on August 18, 2023, and was unable to contact Petitioner. MDHHS testified it then sent Petitioner notice of a telephone appointment to be held on August 25, 2023; upon calling, Petitioner did not answer. Petitioner acknowledged she had a spam blocker on her phone which may have blocked MDHHS's call.

Despite Petitioner blocking MDHHS's call, Petitioner made substantial efforts after the missed appointment from August 25, 2023, to be interviewed. Petitioner testified she called MDHHS on August 25, 2023, to state that she had a spam blocker and that she can be called at a different phone number.¹ MDHHS acknowledged it failed to call Petitioner's preferred phone number when returning Petitioner's call.

Further, on August 28, 2023, MDHHS sent Petitioner notice of an appointment to be held on September 5, 2023. Petitioner's aunt testified Petitioner waited two hours for the call which never came. The testifying MDHHS specialist acknowledged she missed work that day and that nobody called Petitioner for the interview.

MDHHS mailed Petitioner a third appointment notice on September 18, 2023, for an interview to be held on September 20, 2023. MDHHS credibly testified that Petitioner

¹ MDHHS acknowledged that Petitioner called on August 25, 2023, in its Hearing Summary (Exhibit A, p. 1) but testified the call occurred on August 28, 2023.

was called, and she did not answer. Petitioner testified she had not received notice of the appointment before the appointment. Petitioner's testimony was credible as MDHHS only allowed two days before the notice mailing and date of appointment.

Though Petitioner missed an appointment interview on August 25, 2023, the evidence also established that Petitioner made multiple efforts to be interviewed in the following weeks. The evidence further established that MDHHS was primarily at fault for an interview not transpiring by calling Petitioner at an incorrect number, failing to call Petitioner on the date of an interview, and giving insufficient notice of an interview date. For good measure, MDHHS's efforts were further doubted upon evidence it successfully interviewed Petitioner on September 26, 2023, but did not process Petitioner's application from the date of interview despite policy directing them to do so.²

Given the evidence, MDHHS failed to establish that Petitioner failed to comply with FAP application interview requirements. As a remedy, Petitioner is entitled to a reprocessing of her FAP application dated [REDACTED] 2023.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that Petitioner withdrew her dispute concerning a denial of an application for cash benefits dated September 30, 2022. Concerning Petitioner's dispute of cash assistance, Petitioner's hearing request is **DISMISSED**.

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 [REDACTED] 2023; and
- (2) Process Petitioner's application subject to the finding that Petitioner did not fail to comply with interview requirements.

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

CG/nr



Christian Gardocki
Administrative Law Judge

² MDHHS unconvincingly testified that Petitioner told MDHHS she did not want FAP benefits unless it was from the date of her application.

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
Denise Key-McCoggle
Wayne-Greydale-DHHS
27260 Plymouth Rd
Redford, MI 48239
**MDHHS-Wayne-15-Greydale-
Hearings@michigan.gov**

Interested Parties
Wayne 15 County DHHS
BSC4
M. Holden
N. Denson-Sogbaka
B. Cabanaw
MOAHR

Via-First Class Mail :

Petitioner

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