



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: December 21, 2023
MOAHR Docket No.: 23-008353
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness

HEARING DECISION

On November 9, 2023, Petitioner, [REDACTED] [REDACTED] requested a hearing to dispute a Food Assistance Program (FAP) application denial. Following Petitioner's hearing request, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9, 7 CFR 273.15, and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on December 19, 2023. Petitioner's authorized hearing representative, Mohamed Abdel Maguid, appeared on behalf of Petitioner. Respondent, Department of Health and Human Services (Department) had Tabatha McFarland, Eligibility Specialist, appear as its representative. Neither party had any additional witnesses.

A 24-page packet of documents provided by the Department was admitted as the Department's Exhibit A.

ISSUE

Did the Department properly deny Petitioner's application for 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 FAP benefits.
2. On October 26, 2023, an Appointment notice notifying Petitioner to be available for a telephone appointment with the Department on November 2, 2023, between 2:15 p.m. and 4:15 p.m. was mailed to Petitioner's last-known address of record.

3. On November 6, 2023, Petitioner's authorized hearing representative submitted Petitioner's paycheck stubs for September 22, and 29, 2023, to the Department as requested.
4. On November 6, 2023, the Department denied Petitioner's application for FAP benefits, but did not send Petitioner proper notice of the denial.
5. On or around November 6, 2023, Petitioner's authorized hearing representative spoke with a department representative and was advised to re-submit Petitioner's paycheck stubs for September 22, and 29, 2023. While on the phone with the department representative, the requested paycheck stubs were re-submitted via e-mail and a confirmation of the documents being received by the Department was given.

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.

In this case, the Department denied Petitioner's application for FAP benefits. Petitioner is disputing the denial.

When the Department decides to deny an application for FAP benefits, the Department must give the client adequate notice of the action. BAM 220 (November 1, 2023), p. 3. An adequate notice is a written notice sent to the client at the same time an action takes effect. *Id.* Based on the evidence presented, the Department did not give Petitioner adequate notice of the denial of Petitioner's application for FAP benefits because the Department did not send a written notice to Petitioner at the time her application was denied. Therefore, the Department failed to comply with Department policy in denying Petitioner's FAP application. Additionally, the Department failed to establish that Petitioner refused to cooperate with the Department in determining her FAP eligibility.

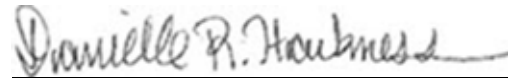
DECISION AND ORDER

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 its policies and the applicable law when it denied Petitioner's [REDACTED] 2023, application for FAP benefits.

Accordingly, the Department's denial of Petitioner's FAP application is **REVERSED**.

THE DEPARTMENT IS ORDERED TO **START** 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:

Determine Petitioner's eligibility for FAP benefits based on an application date of [REDACTED] 2023.



DH/nr

Danielle R. Harkness
Administrative Law Judge
for Elizabeth Hertel, Director
Department of Health and Human Services

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
Tara Roland 82-17
Wayne-Greenfield/Joy-DHHS
8655 Greenfield
Detroit, MI 48228
**MDHHS-Wayne-17-
hearings@michigan.gov**

Interested Parties
Wayne 17 County DHHS
BSC4
M. Holden
N. Denson-Sogbaka
B. Cabanaw
MOAHR

Via-First Class Mail :

Authorized Hearing Rep.

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

Petitioner

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