



GRETCHEN WHITMER  
GOVERNOR

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

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ACTING DIRECTOR

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██████████, MI ██████████

Date Mailed: January 5, 2024  
MOAHR Docket No.: 23-008918  
Agency No.: ██████████  
Petitioner: ██████████

**ADMINISTRATIVE LAW JUDGE: Ellen McLemore**

### **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 January 3, 2024, via conference line. Petitioner was present with his aunt, ██████████. The Department of Health and Human Services (Department) was represented by Angela Drost, Assistance Payments Supervisor.

### **ISSUE**

Did the Department properly deny Petitioner's Food Assistance Program (FAP) and State Emergency Relief (SER) applications?

### **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 submitted an application for FAP and SER benefits (Exhibit A, pp. 15-23).
2. On November 9, 2023, the Department attempted to complete an interview with Petitioner related to his FAP and SER applications (Exhibit A, pp. 24-30).
3. On November 9, 2023, the Department sent Petitioner a State Emergency Relief Decision Notice informing him that his application for SER benefits was denied for his failure to complete the interview process (Exhibit A, pp. 43-45).

4. On December 1, 2023, the Department sent Petitioner a Notice of Case Action informing him that his FAP application was denied for his failure to complete the interview process.
5. Petitioner submitted a request for hearing on November 29, 2023, and December 7, 2023, disputing the Department's actions.

### **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.

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Department of Human Services) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

In this case, Petitioner submitted an application for FAP and SER benefits on [REDACTED], 2023. On November 9, 2023, the Department contacted Petitioner to complete his interview. The Department testified that Petitioner was noncooperative during the interview. The Department stated that Petitioner's interview was consistently interrupted by his aunt and the Department was unable to clarify necessary information to approve the applications. As a result of Petitioner's noncooperation during the interview process, the Department denied his FAP and SER applications.

When completing an application for SER benefits, the in-person interview requirement is waived but a phone interview is required for active applicants. ERM 103 (January 2018), p. 5. In-person interviews are required for persons who are applying for SER services and are not active for another Department program. ERM 103, p. 5. The SER standard of promptness is 10 calendar days, beginning with the date the SER application is received. ERM 103, p. 5. The Department will pend an application if the SER group is cooperating within their ability to provide verifications. ERM 103, p. 5. The Department will deny the SER application if the group does not cooperate. ERM 103, p. 5.

When completing an application for FAP benefits, the Department will conduct an interview before approving benefits. BAM 115 (January 2018), p. 21. If the group is

ineligible or refuses to cooperate in the application process, the Department will certify a denial. BAM 115, p. 25.

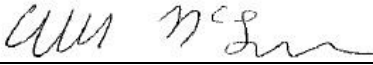
At the hearing, Petitioner expressed frustration with the Department's questions during the interview process. Petitioner testified that he desired to complete the interview, but his worker disconnected the call. Petitioner and his aunt believed that the Department asked inappropriate and unnecessary questions. Petitioner also argued that he attempted to complete his interview with the Department after the November 9, 2023 interview by appearing at the Department's local office. At the hearing, the Department testified that Petitioner was contacted again on December 12, 2023, and December 14, 2023, by his worker's supervisor in an attempt to complete the interview. The Department testified that Petitioner again provided confusing information and the Department was unable to obtain clarification due to the interference of Petitioner's aunt.

Petitioner's aunt displayed similar conduct during the hearing as alleged by the Department. Therefore, the Department's testimony that they were unable to complete the interview process due to Petitioner's noncooperation was credible. Thus, the Department acted in accordance with policy when it denied Petitioner's SER and FAP applications.

### **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 acted in accordance with Department policy when it denied Petitioner's SER and FAP applications. Accordingly, the Department's decision is **AFFIRMED**.

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**Ellen McLemore**  
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**

Kimberly Kornoelje  
Kent County DHHS  
121 Martin Luther King Jr St SE  
Grand Rapids, MI 49507

**MDHHS-Kent-  
Hearings@michigan.gov**

**Interested Parties**

M. Holden  
N. Denson-Sogbaka  
B. Cabanaw  
J. McLaughlin  
E. Holzhausen  
BSC3

**Via-First Class Mail :**

**Petitioner**

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