



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], MI [REDACTED]

Date Mailed: February 23, 2024
MOAHR Docket No.: 24-000627
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness

HEARING DECISION

On January 10, 2024, Petitioner, [REDACTED] [REDACTED] requested a hearing to dispute the denial of her Food Assistance Program (FAP) application. 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 February 21, 2024. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Danielle Oshesky, Lead Worker/Back-up Hearings Facilitator.

A 21-page packet of documents provided by the Department was admitted collectively 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 December 6, 2023, the Department mailed an Appointment Notice to Petitioner's last-known mailing address. The notice stated that Petitioner was to have an appointment on December 13, 2023, at 11:00 a.m.
3. After missing her December 13, 2023, appointment, the Department rescheduled Petitioner's appointment for December 14, 2023.

4. On December 14, 2023, the Department attempted to contact Petitioner at her last-known telephone number but was unable to reach Petitioner and left a voicemail message.
5. On December 14, 2023, the Department mailed a Notice of Missed Appointment to the Department's P.O. Box as the Department did not have Petitioner's current mailing address. The notice stated that Petitioner missed her scheduled appointment and must reschedule the appointment before January 5, 2024, or her FAP application would be denied.
6. On or around December 18, 2023, the December 6, 2023, Appointment Notice was returned to the Department via mail as undeliverable.
7. On January 4, 2024, the Department attempted to contact Petitioner to complete her appointment, but the telephone number was invalid. The Department also attempted to email Petitioner at her last-known e-mail address to advise her of her interview.
8. Petitioner did not contact the Department to reschedule her appointment, therefore, her FAP application was denied, and a Notice of Case Action was mailed to Petitioner on January 5, 2024, informing her of the denial.
9. On January 10, 2024, Petitioner requested a hearing to dispute the Department's denial.

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) 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 administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

Following registration of the application, an interview is required. BAM 115 (January 1, 2024), p. 1. The application will not be denied until the 30th day after the application date if the client has not participated in a scheduled initial interview. *Id.* at p. 18.

In this case, Petitioner is disputing the Department's decision to deny her application for FAP benefits. The Department denied Petitioner's application for FAP benefits because Petitioner did not complete the interview requirement. Petitioner stated that on or around January 5, 2024, she was advised by the Department that she had paperwork to pick-up at the Department's office. Therefore, on or around January 5, 2024, Petitioner

retrieved the paperwork from the Department which included the December 6, 2023, Appointment Notice and the December 14, 2023, Notice of Missed Appointment. Petitioner indicated this was the first time that she became aware of the December 13, 2023, appointment as she had not previously received an email or telephone call regarding an appointment. Petitioner acknowledged reporting to the Department that she was homeless on her [REDACTED] 2023, application. However, she indicated that she also reported her PO Box address on her application and numerous times thereafter as well. The Department indicated that the September 28, 2023, Appointment Notice was mailed to Petitioner's last-known mailing address as there was no PO Box number listed on Petitioner's [REDACTED] 2023, application. The Department further asserted that the first time the Department was advised of Petitioner's complete PO Box mailing address was on January 5, 2024.

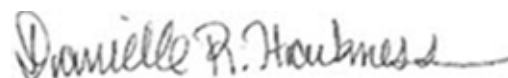
In this case, the Department provided credible evidence that the September 28, 2023, Appointment Notice was mailed to Petitioner's last-known mailing address but was returned to the Department as undeliverable on or around December 18, 2023. Because the Department did not have a valid mailing address for Petitioner, the December 14, 2023, Notice of Missed Appointment was sent to the Department's PO Box mailing address. The Department attempted to contact Petitioner numerous times via mail, telephone, and email to advise Petitioner of her scheduled interviews. No evidence was presented by Petitioner to show that she timely provided her complete PO Box mailing address to the Department. Therefore, the Department properly denied Petitioner's application for FAP benefits for failure to complete the interview process requirement.

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 its policies and the applicable law when it denied Petitioner's application for Food Assistance Program benefits.

IT IS ORDERED, the Department's decision is **AFFIRMED**.

DH/nr



Danielle R. Harkness
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
Amber Gibson
Ingham County DHHS
5303 South Cedar
Lansing, MI 48911
**MDHHS-Ingham-
Hearings@michigan.gov**

Interested Parties
Ingham County DHHS
BSC2
M. Holden
N. Denson-Sogbaka
B. Cabanaw
MOAHR

Via-First Class Mail :

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