



GRETCHEN WHITMER
GOVERNOR

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

MARLON I. BROWN, DPA
DIRECTOR

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Date Mailed: April 19, 2024
MOAHR Docket No.: 24-002576
Agency No.: ██████████
Petitioner: ██████████ ██████████

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 April 10, 2024, from Lansing, Michigan. Dominique Reed, the Petitioner, appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Jamila Goods, Eligibility Specialist (ES).

During the hearing proceeding, the Department’s Hearing Summary packet was admitted as Exhibit A, pp. 1-14.

ISSUE

Did the Department 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 January █████ 2023, Petitioner applied for FAP. (Exhibit A, pp. 6-7)
2. On January █████ 2024, the Department called Petitioner to complete an interview. Petitioner did not answer. (Exhibit A, p. 1)
3. On January █████ 2024, an Appointment Notice was issued to Petitioner scheduling a telephone interview for February 6, 2024, at 9:30 am for the FAP application. (Exhibit A, p. 8)

4. On February ■ 2024, the Department called Petitioner for the scheduled interview. Petitioner did not answer. (Exhibit A, p. 1)
5. On February ■ 2024, a Notice of Missed Appointment was issued to Petitioner indicating an interview is required to apply for FAP, Petitioner missed the scheduled interview, and it was now Petitioner's responsibility to reschedule the interview before February 22, 2024, or the application would be denied. (Exhibit A, p. 9)
6. On February ■ 2024, a Notice of Case Action was issued to Petitioner denying the FAP application because the required interview was not completed. (Exhibit A, pp. 10-13)
7. On March 11, 2024, Petitioner filed a hearing request contesting the Department's determination. (Exhibit A, pp. 3-5)

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.

An interview is required for the FAP program. The Department is not to deny the application if the client has not participated in the initial interview until the 30th day after the application date even if they have returned all required verifications. The initial interview must be scheduled as an in-person appointment, phone appointment or home call. If clients miss an interview appointment, the Department sends a DHS-254, Notice of Missed Interview, advising them that it is the clients' responsibility to request another interview date. It sends a notice only after the first missed interview. BAM 115, January 1, 2024, pp. 6, 16-18, 20, and 23.

In this case, Petitioner applied for FAP on January ■ 2023. (Exhibit A, pp. 6-7).

On January ■ 2024, the Department called Petitioner to complete an interview. Petitioner did not answer. (Exhibit A, p. 1). On January 30, 2024, an Appointment Notice was issued to Petitioner scheduling a telephone interview for February 6, 2024, at 9:30 am for the FAP application. (Exhibit A, p. 8). On February ■ 2024, the Department called Petitioner for the scheduled interview. Petitioner did not answer. (Exhibit A, p. 1). On

February ■ 2024, a Notice of Missed Appointment was issued to Petitioner indicating an interview is required to apply for FAP, Petitioner missed the scheduled interview, and it was now Petitioner's responsibility to reschedule the interview before February 22, 2024, or the application would be denied. (Exhibit A, p. 9). On February ■ 2024, a Notice of Case Action was issued to Petitioner denying the FAP application because the required interview was not completed. (Exhibit A, pp. 10-13).

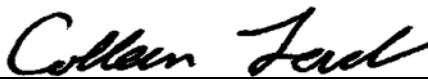
Petitioner explained that she missed the interview because she was not regularly checking her mail at that time. Petitioner was not trying to be non-compliant. Petitioner now regularly checks her mail. (Petitioner Testimony). As discussed, Petitioner may wish to reapply for FAP benefits if she has not already done so.

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 application for Food Assistance Program (FAP) benefits because the required interview was not completed.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.

CL/dm



Colleen Lack
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
Susan Noel
Wayne-Inkster-DHHS
**MDHHS-Wayne-19-
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BSC4HearingDecisions

MOAHR

Via-First Class Mail :

Petitioner
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