



GRETCHEN WHITMER
GOVERNOR

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

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DIRECTOR

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Date Mailed: April 24, 2024
MOAHR Docket No.: 24-003110
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness

HEARING DECISION

On March 11, 2024, Petitioner, ██████████ requested a hearing to dispute a Food Assistance Program (FAP) denial. As a result, a hearing was scheduled to be held on April 23, 2024, pursuant to MCL 400.9, 7 CFR 273.15, and Mich Admin Code, R 792.11002. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Melissa Stanley, Hearing Facilitator.

A 27-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 ██████████ 2024, Petitioner applied for FAP benefits. (Exhibit A, pp. 6-16).
2. On February 13, 2024, an Appointment Notice was mailed to Petitioner advising Petitioner that a telephone appointment was to be held on February 21, 2024, between 11:00 a.m. – 1:00 p.m. (Exhibit A, p. 17).
3. Petitioner was unable to be reached for the February 21, 2024, appointment.
4. On February 21, 2024, a Notice of Missed Appointment was mailed to Petitioner. Petitioner was advised that she was required to reschedule the interview by February 23, 2024, or Petitioner's application for FAP benefits would be denied. (Exhibit A, p. 21).

5. On February 23, 2024, a Notice of Case Action was mailed to Petitioner denying her application for FAP benefits for failing to complete the interview requirement. (Exhibit A, pp. 23-26).
6. On March 11, 2024, Petitioner requested a hearing to dispute the FAP denial. (Exhibit A, pp. 3-4).

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 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.

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.

Following registration of the application, the department must conduct an interview. (BAM 115, May 1, 2024, p. 1). If clients miss an interview appointment, Bridges 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. If the client calls to reschedule, set the interview prior to the 30th day, if possible. If the client fails to reschedule or misses the rescheduled interview, deny the application on the 30th day. (*Id.* at p. 23).

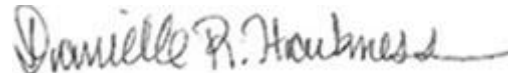
Petitioner was required to attend an appointment on February 21, 2024, from 11:00 a.m. to 1:00 p.m. The Department attempted to contact Petitioner for her appointment but was unable to reach Petitioner. Petitioner acknowledged receiving a missed call from the Department during her appointment time. Petitioner stated that she attempted to contact the Department after she missed the February 21, 2024, call but was unable to reach anyone from the Department. Petitioner also acknowledged receiving the February 21, 2024, Notice of Missed Appointment and stated that she attempted to contact the Department to reschedule the appointment but was unable to reach anyone from the Department. However, no evidence was provided by Petitioner to show that the Department's decision was contrary to applicable policy.

In this case, the Department followed the applicable policies when it denied Petitioner's application for FAP benefits because Petitioner did not complete the interview 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 FAP benefits.

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



Danielle R. Harkness
Administrative Law Judge

DH/pt

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
Elisa Daly
Saginaw County DHHS
411 East Genesee
Saginaw, MI 48607
MDHHS-Saginaw-Hearings@michigan.gov

Interested Parties

BSC2
M Holden
B Cabanaw
N Denson-Sogbaka
MOAHR

Via-First Class Mail:

Petitioner

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