



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  
DIRECTOR

[REDACTED]  
MI [REDACTED]

Date Mailed: May 13, 2024  
MOAHR Docket No.: 24-003744  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Christian Gardocki

### **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 hearing was held via telephone conference on May 6, 2024. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Danielle Moton, specialist.

### **ISSUE**

The issue is whether MDHHS properly denied 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 [REDACTED] 2024, Petitioner applied for FAP benefits.
2. On February 20, 2024, MDHHS mailed Petitioner an Appointment Notice stating that Petitioner would be called for an application interview on February 27, 2024 between 9:15 a.m. and 11:15 a.m.
3. On February 27, 2024, MDHHS called an incorrect phone number when calling Petitioner for an application interview.

4. On February 27, 2024, MDHHS mailed Petitioner a Notice of Missed Appointment warning Petitioner to call MDHHS for an interview by March 15, 2024, or risk application denial.
5. On March 15, 2024, MDHHS denied Petitioner's application due to a failure to be interviewed.
6. On March 26, 2024, Petitioner requested a hearing to dispute the denial of FAP benefits.

### **CONCLUSIONS OF LAW**

The Food Assistance Program [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. MDHHS administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing to dispute a denial of FAP benefits. Exhibit A, p. 3. A Notice of Case Action dated March 15, 2024, stated that Petitioner's application was denied due to failing to meet interview requirements. Exhibit A, pp. 22-25.

For FAP benefits, MDHHS must conduct an interview before approving benefits. BAM 115 (July 2020) p. 20. Interviews must be scheduled promptly to meet standards of promptness. *Id.*, p. 24. If a client misses an interview appointment, MDHHS is to send a Notice of Missed Interview advising a client that it is his/her responsibility to request another interview date. *Id.* If the client calls to reschedule, the interview should be held no later than the 30<sup>th</sup> day after application, if possible. *Id.*

MDHHS contended that Petitioner's FAP application was properly denied because Petitioner failed to participate in an application interview. Petitioner applied for FAP benefits on [REDACTED] 2024. Exhibit A, pp. 6-18. Petitioner's application did not report a phone number; however, MDHHS testimony acknowledged that it had Petitioner's phone number stored in its database. MDHHS documented that Petitioner was called on February 20, 2024, and the call was unsuccessful. Exhibit A, p. 21. MDHHS then mailed Petitioner an Appointment Notice scheduling a telephone appointment for the morning of February 27, 2024. Exhibit A, p. 19. The notice informed Petitioner that she would be called on February 27, 2024. *Id.* MDHHS documented that the call to Petitioner on February 27, 2024, was also unsuccessful. Exhibit A, p. 21. That same day, MDHHS sent Petitioner a Notice of Missed Interview form warning that FAP benefits could end on March 15, 2024, unless Petitioner called MDHHS for an interview. Exhibit A, p. 20. MDHHS stated that Petitioner's application was denied after Petitioner did not call for an interview.

Petitioner denied receiving any calls from MDHHS on February 27, 2024. Petitioner's testimony was consistent with MDHHS's own comments. Though MDHHS documented calling Petitioner, the documented phone number it called was not Petitioner's; it was Petitioner's seven-digit phone number, but for a different area code. Exhibit A, p. 21.

The evidence established that MDHHS failed to properly call Petitioner for an application interview. By not properly calling Petitioner for a telephone interview, the denial based on Petitioner's alleged failure to complete the interview process was improper. As a remedy, Petitioner is entitled to a reprocessing of her application including another opportunity to be interviewed.

### **DECISION AND ORDER**

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS improperly denied Petitioner's application for FAP benefits. It is ordered that MDHHS commence the following actions within 10 days of the date of mailing of this decision:

- (1) Reregister Petitioner's application requesting FAP benefits dated [REDACTED] 2024; and
- (2) Reprocess Petitioner's application subject to the finding that MDHHS failed to properly call Petitioner for a telephone interview.

The actions taken by MDHHS are **REVERSED**.

CG/nr



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**Christian Gardocki**  
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**

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 :**

**Petitioner**

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