



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

Date Mailed: September 6, 2024
MOAHR Docket No.: 24-008702
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: L. Alisyn Crawford

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 August 29, 2024. Petitioner was present at the hearing and represented herself. The Department of Health and Human Services (Department) was represented by Oscar Brummitt, Eligibility Specialist.

ISSUE

Did the Department properly deny Petitioner's Food Assistance Program (FAP) application due to failure to participate in a FAP interview?

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] 2024, Petitioner submitted an assistance application for FAP and Medical Assistance (MA) benefits. (Exhibit A, pp. 10-18). On the application, Petitioner provided her contact number as [REDACTED]. (Exhibit A, p. 10).
2. On June 14, 2024, the Department sent an Appointment notice to Petitioner informing her of a telephone interview regarding her assistance application for Friday, June 21, 2024. (Exhibit A, p. 19). The notice indicated that the Department would call her at [REDACTED], and if this phone number was incorrect, she was instructed to contact the Department as soon as possible with the corrected phone number. (Exhibit A, p. 19).

3. On June 21, 2024, the Department called Petitioner at [REDACTED] and left voicemail messages asking that she return the call for her interview. (Exhibit A, p. 25)
4. On June 21, 2024, the Department sent a Notice of Missed Appointment to Petitioner informing her that she missed her scheduled interview and stated that it was her responsibility to reschedule the interview before July 14, 2024 or her FAP application would be denied. (Exhibit A, p. 20).
5. On July 15, 2024, the Department sent a Notice of Case Action (NOCA) to Petitioner informing her that her request for FAP benefits was denied June 14, 2024 ongoing due to her failure to complete the FAP interview requirement. (Exhibit A, pp. 21-24).
6. On July 23, 2024, the Department received a request for hearing from Petitioner which disputed the Department's denial of her FAP application due to the missed interview. (Exhibit A, p. 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 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.

In this case, Petitioner applied for FAP and MA benefits on [REDACTED] [REDACTED] 2024. The Department testified that after several attempts to contact Petitioner, she did not complete the interview process. As a result, the Department denied Petitioner's application.

During the processing of a FAP application, the Department will conduct a telephone interview before approving benefits. BAM 115 (May 2024), p. 1. The purpose of the interview is to explain program requirements to the applicant and to gather information for determining the group's eligibility. BAM 115, p. 16. For FAP, the interview must be held by the 20th day after the application date to allow the client at least 10 days to provide verifications by the 30th day. BAM 115, p. 22. If a client misses their interview appointment, the Department will send a Notice of Missed Interview, advising them that it is the client's responsibility to request another interview date. BAM 115, p. 23. If the

client fails to reschedule or misses the rescheduled interview, the Department will deny the application on the 30th day. BAM 115, p. 23.

On June 14, 2024, the Department sent Petitioner an Appointment Notice informing her that she had an appointment scheduled on June 21, 2024. Although the Department made attempts to contact Petitioner for her interview on June 21, 2024, the Department conceded that it did not use the contact information provided on Petitioner's [REDACTED] 2024 application, which is her correct phone number. Additionally, Petitioner credibly testified that she too made several attempts to contact the Department regarding the incorrect contact information after she received the Notice of Missed Interview but was unable to speak with anyone. Petitioner attempted to fulfil her responsibility to reschedule the interview, but she was unable to do so because the Department was not responsive. Thus, the Department failed to establish that it acted in accordance with policy when it denied Petitioner's FAP application for failure to participate in the FAP initial interview.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it denied Petitioner's FAP application.

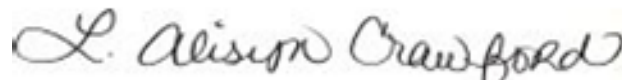
DECISION AND ORDER

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reregister and reprocess Petitioner's FAP application dated June 13, 2024,
2. If eligible, issue FAP supplements to Petitioner for any FAP benefits she was eligible to receive but did not for June 13, 2024 ongoing; and
3. Notify Petitioner of its decision in writing.

LC/nr



L. Alisyn Crawford
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

Yvonne Hill
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Interested Parties

BSC4
M. Holden
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MOAHR

Via-First Class Mail :

Petitioner

[REDACTED]
MI [REDACTED]