



GRETCHEN WHITMER  
GOVERNOR

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

MARLON BROWN  
DIRECTOR

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████████████████████, MI ██████████

Date Mailed: November 13, 2024  
MOAHR Docket No.: 24-009909  
Agency No.: ██████████  
Petitioner: ██████████

**ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness**

**HEARING DECISION**

The hearing was conducted before Administrative Law Judge (ALJ) L. Alisyn Crawford. Because ALJ Crawford is unavailable, the undersigned reviewed the record, including the recording of the hearing, and issued this Hearing Decision based on the evidence presented. See Mich Admin Code, R 792.10106(7).

On August 27, 2024, Petitioner, ██████████ requested a hearing to dispute a Food Assistance Program (FAP) benefit denial. 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 Zoom videoconference hearing was held on October 14, 2024. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Troi Swift, Eligibility Specialist.

A 20-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

A 62-page packet of documents provided by Petitioner was admitted collectively as the Department's Exhibit 1.

**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.

2. On August 16, 2024, an appointment notice was mailed to Petitioner advising Petitioner of an appointment on August 23, 2024, between 8:00 a.m. and 10:00 a.m.
3. The Department unsuccessfully attempted to speak with Petitioner on August 23, 2024, at 8:06 a.m. to complete an interview.
4. On August 23, 2024, the Department mailed a notice of missed appointment to Petitioner advising Petitioner that Petitioner recently missed Petitioner's scheduled interview, and it is Petitioner's responsibility to reschedule the interview before September 15, 2024, or Petitioner's application will be denied.
5. On August 23, 2024, Petitioner called and advised the Department that Petitioner had missed Petitioner's appointment and requested to speak with a manager.
6. On August 26, 2024, an appointment notice was mailed to Petitioner advising Petitioner of an appointment on September 3, 2024, between 10:15 a.m. and 12:15 p.m.
7. On August 27, 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 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.

At the hearing, the department representative stated that Petitioner's application for FAP benefits was denied because Petitioner did not participate in a required interview. Petitioner is disputing the Department's denial based, in part, upon Petitioner not receiving a reason for the denial.

When the Department denies an application for FAP benefits, the Department must give the client adequate notice of the action. BAM 220 (November 1, 2023), p. 4-5. Adequate notice is a written notice sent to the client at the same time an action takes effect (not pending). *Id.* Based on the evidence presented, the Department did not give Petitioner adequate notice of the denial of Petitioner's FAP benefit application because the Department did not notify Petitioner of the denial at the same time the action took effect.

At the hearing, the department representative testified that a denial was mailed to Petitioner on September 16, 2024. However, the exhibits presented at the hearing include no evidence of the September 16, 2024, denial. Further, Petitioner testified that Petitioner did not receive a denial and was receiving conflicting information as to the reason for the denial of Petitioner's August 16, 2024, FAP application. Since the Department was required to give Petitioner adequate notice before denying Petitioner's application for FAP benefits, and since the Department failed to present evidence of adequate notice being given to Petitioner, the Department did not properly deny Petitioner's application for FAP benefits.

At the hearing, Petitioner indicated that Petitioner has discrimination claims that Petitioner would like to file regarding department representatives. Complaints alleging misconduct or mistreatment by a state employee cannot be considered by MOAHR and must be referred to MDHHS or its customer service unit. *Michigan Administrative Code, Rule 792.11002(3)*. If you are dissatisfied with an MDHHS local office or worker, you may submit a written complaint to the county director or district office manager for consideration. A list of MDHHS county directors and their phone numbers can be found at [www.michigan.gov/dhs-countyoffices](http://www.michigan.gov/dhs-countyoffices). Click on: *Text Listing of County Offices and Addresses*. If you believe you have been the victim of unlawful discrimination, you may file a complaint with the Michigan Department of Civil Rights at [www.michigan.gov/mdcr](http://www.michigan.gov/mdcr) or call 1-800-482-3604 for assistance.

### **DECISION AND ORDER**

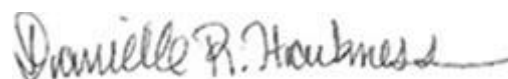
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with its policies and the applicable law when it determined Petitioner's Food Assistance Program benefit amount.

IT IS ORDERED that 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. Redetermine Petitioner's eligibility for FAP benefits based on an application date of [REDACTED] 2024.
2. Issue any FAP benefits that Petitioner is otherwise eligible to receive.

DH/ml



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**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**

Tracey Jones  
Oakland County Southfield District III  
25620 W. 8 Mile Rd  
Southfield, MI 48033  
**MDHHS-Oakland-6303-Hearings@michigan.gov**

**Interested Parties**

BSC4  
M Holden  
B Cabanaw  
N Denson-Sogbaka  
MOAHR

**Via First Class Mail:**

**Petitioner**

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