



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

██████████  
██████████  
██████████ MI ██████████

Date Mailed: October 30, 2024  
MOAHR Docket No.: 24-011189  
Agency No.: ██████████  
Petitioner: ██████████

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

**HEARING DECISION**

On September 27, 2024, Petitioner, ██████████, requested a hearing to dispute a Food Assistance Program (FAP) denial. As a result, a hearing was scheduled to be held on October 29, 2024. Public assistance hearings are held 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. Petitioner appeared and represented herself. Respondent, Department of Health and Human Services (Department), had Hearing Facilitator, Amber Gibson, appear as its representative. Tamika Hicks appeared as an observer of the hearing.

A 20-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.
2. On August 30, 2024, an appointment notice was mailed to Petitioner advising Petitioner of an appointment on ██████████ 2024, at 1:00 p.m.
3. The Department unsuccessfully attempted to call Petitioner on ██████████, 2024, at 1:02 p.m. and 1:08 p.m. to complete an interview but the Department did not receive a call from Petitioner to complete an interview.

4. On September 6, 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 14, 2024, or Petitioner's application will be denied.
5. On September 16, 2024, a notice of case action was mailed to Petitioner denying Petitioner's application for FAP benefits because Petitioner did not complete the required interview.
6. Petitioner asserted that Petitioner did not receive a phone call to participate in an interview and that Petitioner attempted to contact the Department 1 or 2 times to reschedule the interview.
7. On September 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 Food Assistance Program (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.

The Department denied Petitioner's application for FAP benefits because Petitioner did not participate in a required interview. When a client applies for FAP benefits, the client is required to participate in an interview. BAM 115 (January 1, 2024), pp. 16-19. When a client fails to participate in an interview and fails to reschedule the interview, the Department must deny the client's application. *Id.* at 23.

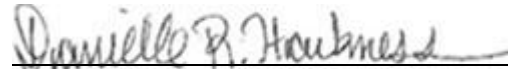
At the hearing, Petitioner testified that Petitioner received the [REDACTED] 2024, notice of missed appointment and called the department 1 or 2 times to reschedule the interview but did not speak to a department representative or leave a message for a return call. Petitioner indicated that Petitioner was unsure of the dates in which Petitioner called the department. The department representative indicated that Petitioner's phone number was searched for incoming and outgoing calls and the only calls that were found were the 2 calls that the Department placed to Petitioner on [REDACTED] 2024. Based on the evidence presented, Petitioner did not participate in an interview or reschedule the interview, so the Department properly denied Petitioner's application for FAP benefits.

**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 that the Department's decision is **AFFIRMED**.

DH/pt



**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 hearing 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**

Amber Gibson  
Ingham County DHHS  
5303 South Cedar  
PO BOX 30088  
Lansing, MI 48911

**MDHHS-Ingham-Hearings@michigan.gov**

**Interested Parties**

BSC2  
M Holden  
B Cabanaw  
N Denson-Sogbaka  
MOAHR

**Via-First Class Mail:**

**Petitioner**

████████████████████  
████████████████████  
████████ MI ██████████