



GRETCHEN WHITMER  
GOVERNOR

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

MARLON BROWN  
DIRECTOR

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

Date Mailed: November 19, 2024  
MOAHR Docket No.: 24-011633  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Zainab A. Baydoun**

**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 November 13, 2024, from Detroit, Michigan. Petitioner appeared for the hearing and represented herself. The Department of Health and Human Services (Department) was represented by Avery Smith, Assistance Payments Supervisor.

**ISSUE**

Did the Department properly deny 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 or around [REDACTED] 2024, Petitioner submitted an application requesting FAP benefits.
2. On or around [REDACTED] 2024, the Department sent Petitioner an Appointment Notice, informing her that she was scheduled to have a telephone interview for her application on August 13, 2024, between 11:00 AM and 1:00 PM. (Exhibit A, p. 7)
3. The Department asserted that a Department employee attempted to contact Petitioner to complete the application interview on August 13, 2024, but Petitioner did not answer. (Exhibit B)
4. Petitioner asserted that she contacted the Department on August 13, 2024, in response to a voicemail she received regarding the FAP interview. Petitioner asserted that she spoke with someone at the front desk of the local office who

informed her that someone would return her call. Petitioner asserted that no one returned her call.

5. On or around August 13, 2024, the Department sent Petitioner a Notice of Missed Appointment, advising her that she missed her scheduled application interview and instructing her to contact the Department to have the interview rescheduled by August 29, 2024. (Exhibit A, p.8)
6. Case Comments presented for review show that on August 13, 2024, August 22, 2024, and August 29, 2024, Petitioner contacted the Department regarding the FAP application interview. (Exhibit B)
7. On or around August 30, 2024, the Department sent Petitioner a Notice of Case Action, advising her that her [REDACTED] 2024, FAP application was denied because she failed to complete the interview requirement. (Exhibit A, pp. 9-12)
8. On or around October 11, 2024, Petitioner requested a hearing disputing the denial of her FAP application. (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 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, the Department asserted that it denied Petitioner's [REDACTED] 2024, FAP application because she failed to participate in an application interview. The Department is to conduct an interview at application for the FAP before approving benefits. BAM 115 (May 2024), p. 17-20. The Department is to schedule the interview promptly, in order to meet the standard of promptness. The person interviewed may be any responsible group member, or AR. For FAP cases, the interview must be held by the 20<sup>th</sup> day after the application date to allow the client at least 10 days to provide the verifications by the 30<sup>th</sup> day. BAM 115, p. 22-24. Applicants are required to participate in the FAP interview process. If a client misses an interview appointment, the Department will send a DHS-254, Notice of Missed Interview, advising the client that it is now the client's responsibility to request another interview date. It sends a notice only after the first missed interview. If the client calls to reschedule, the Department will set the interview prior to the 30<sup>th</sup> day, if

possible. If the client fails to reschedule or misses the rescheduled interview, the Department will deny the application on the 30<sup>th</sup> day. BAM 115, pp.18-26. If the client completes the application process after denial but within 60 days of the application date, the Department is to follow the subsequent processing policy outlined in BAM 115, and issue FAP benefits to Petitioner if determined eligible. BAM 115, pp. 18-26.

At the hearing, the Department testified that the case worker assigned to Petitioner's case attempted to contact Petitioner for the scheduled interview, but Petitioner did not answer. The Department representative testified that two attempts were made to contact Petitioner on August 13, 2024, with a voicemail left after the first call. The Department representative testified that when the interview was not completed on August 13, 2024, the Department issued the Notice of Missed Appointment, and subsequently, the Notice of Case Action on August 30, 2024, denying the FAP application as the interview was not completed.

Petitioner credibly testified that she received the first phone call from the Department on August 13, 2024, and immediately tried to call back but was not able to connect to a caseworker. Petitioner testified that she spoke to a Department representative who told her that someone would return her call to conduct the interview. Petitioner testified that she contacted the Department again after receiving the Notice of Missed Appointment, and did not receive any phone call back regarding the interview. Although the Department representative initially testified that Petitioner did not contact the Department prior to the denial of the application, the Case Comments were presented for review and show that on August 13, 2024, August 22, 2024, and August 29, 2024, Petitioner contacted the Department regarding the FAP application interview. A note entered on either August 22, 2024, or on August 29, 2024, indicate that Petitioner called to check the status of her FAP application and was advised to reapply, as she missed her appointment. (Exhibit B). The advice provided to Petitioner is not in accordance with the above referenced policy, as the date to reschedule the interview had not passed and the application had not been denied at that time.

The evidence established that Petitioner contacted the Department on at least three occasions in an attempt to participate in or have the application interview rescheduled prior to the deadline identified on the Notice of Missed Appointment. Therefore, 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 Department policy when it denied Petitioner's [REDACTED] 2024, 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. Register and reprocess Petitioner's [REDACTED] 2024, FAP application to determine her eligibility for FAP benefits from the application date, ongoing;
2. Issue FAP supplements to Petitioner for any benefits she was eligible to receive but did not from the application date, ongoing; and
3. Notify Petitioner in writing of its decision.

ZB/ml

  
**Zainab A. Baydoun**  
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]