



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

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██████████, MI ██████████

Date Mailed: December 17, 2024  
MOAHR Docket No.: 24-012668  
Agency No.: ██████████  
Petitioner: ██████ ██████

**ADMINISTRATIVE LAW JUDGE: Caralyce M. Lassner**

**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 by telephone on December 11, 2024. Petitioner was represented by their Authorized Hearing Representative (AHR) and ██████ year old son, ██████ ██████ (Son). The Department of Health and Human Services (Department) was represented by Rosemary Molsbee-Smith.

**ISSUE**

Did the Department properly deny Petitioner's application for Food Assistance Program (FAP) benefits on November 22, 2024?

**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, the Department received an application for FAP from Petitioner. (Exhibit A, pp. 6 – 13).
2. On October 29, 2024, the Department completed the required FAP interview with Son, who was an adult member of Petitioner's household, but failed to store the Interview Guide (IG). (Exhibit A, p. 22, Serial Nos. 7, 11, 13).
3. On October 29, 2024, the Department sent Petitioner a Notice of Case Action (NOCA) that denied Petitioner FAP due to excess income. (Exhibit A, pp. 18 – 19).

4. On November 8, 2024, the Department received a request for hearing from Petitioner that disputed the Department's denial of his application for FAP. (Exhibit A, p. 4).
5. On November 19, 2024, the Department determined Petitioner's FAP application was denied in error and re-registered the application. (Exhibit A, p. 1; p. 22, Serial No. 11).
6. On November 20, 2024, the Department attempted to re-interview Son but Son was unable to complete the full re-interview at that time, and requested to continue the re-interview on November 21, 2024. The Department scheduled the continued re-interview for November 21, 2024. (Exhibit A, p. 17; p. 22, Serial Nos. 12, 13).
7. On November 21, 2024, the Department did not attempt to contact Petitioner or Son to complete the re-interview.
8. On November 22, 2024, the Department sent Petitioner a NOCA that denied Petitioner FAP for failure to complete the required interview.

### **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.

Petitioner initially requested a hearing due to the Department's denial of Petitioner's FAP application on October 29, 2024 due to excess income. The Department determined that it had denied Petitioner's application on October 29 in error, and re-registered Petitioner's application on November 19, 2024. On November 22, 2024, the Department denied Petitioner's application for failure to complete the required FAP interview. At the hearing, Petitioner's AHR disputed the Department's denial of November 22, 2024.

For applications for FAP benefits, it is the Department's responsibility to:

- a. Request necessary verifications at least 10 days before the 30<sup>th</sup> day after the application,

- b. Provide help to the client when requested to complete the application process or secure verifications,
- c. Timely schedule an interview to ensure the client has the allowable time to take an action as required by policy, and
- d. Run eligibility and certify results to authorize benefits.

BAM 115 (October 2024), p. 35; see also BAM 130 (May 2024), p. 1. When the Department fails to complete the foregoing actions, it is at fault for any delay in processing the client's FAP application, and when all necessary actions have not been completed and the application continues to pend after the 30<sup>th</sup> day after application, the Department is required to take prompt action to correct the cause of the delay. BAM 115, pp. 34 – 35.

In this case, the Department testified that on November 22, 2024 it denied Petitioner's FAP application for failure to complete the FAP interview. However, the evidence established that:

- a. The interview was completed on October 29, 2024,
- b. The Department failed to store the IG from October 29, 2024,
- c. Son was able, willing, requested, and scheduled an appointment, to complete a re-interview on November 21, 2024, and
- d. The Department testified that it did not attempt to contact him on that date.

Petitioner did complete the FAP interview as required and the Department's failure to store the IG, or to call Son on the scheduled date to complete the re-interview, is fault on the part of the Department. Therefore, the Department did not act in accordance with Department policy when it denied Petitioner's application.

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 FAP application on November 22, 2024 for failure to complete the FAP interview.

### **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. Reschedule Petitioner's FAP interview;
2. Redetermine Petitioner's eligibility for FAP benefits effective October 16, 2024 ongoing;
3. If Petitioner is eligible for any supplemental FAP benefits, issue supplemental payments to Petitioner for any FAP benefits he was eligible to receive but did not, from October 16, 2024 ongoing; and
4. Notify Petitioner of its decision in writing.



CML/nr

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**Caralyce M. Lassner**  
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

Oakland County DHHS Madison Heights Dist.

30755 Montpelier Drive

Madison Heights, MI 48071

**MDHHS-Oakland-DistrictII-Hearings@michigan.gov**

**Interested Parties**

BSC4

M. Holden

N. Denson-Sogbaka

B. Cabanaw

MOAHR

**Via-First Class Mail :**

**Petitioner**

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