



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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Date Mailed: January 17, 2025
MOAHR Docket No.: 24-013673
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness

HEARING DECISION

On December 3, 2024, Petitioner, ██████████ requested a hearing to dispute a Food Assistance Program (FAP) denial and Medical Assistance (MA) determination. As a result, a hearing was scheduled to be held on January 16, 2025. 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 Assistance Payments Worker, Danielle Moton, appear as its representative. ██████████ Interpreter, was also present to provide interpreter services. Prior to the commencement of the hearing, Petitioner advised that Petitioner only needed the interpreter during any portions of the hearing that Petitioner did not understand, and that Petitioner would notify those present when interpreter services were needed.

A 29-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?

Did the Department properly determine Petitioner's MA eligibility?

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 and MA benefits.

2. On September 6, 2024, an appointment notice was mailed to Petitioner advising Petitioner of an appointment on September 13, 2024, between 8:30 a.m. and 10:30 a.m.
3. On September 13, 2024, at 8:30 a.m. the Department unsuccessfully attempted to call Petitioner to complete an interview, but the Department was unable to reach Petitioner.
4. On September 13, 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 October 4, 2024, or Petitioner's application will be denied.
5. Following the September 13, 2024, notice, Petitioner called the Department to reschedule Petitioner's appointment.
6. On September 20, 2024, an appointment notice was mailed to Petitioner advising Petitioner of an appointment on September 27, 2024, between 2:00 p.m. and 4:00 p.m.
7. On September 27, 2024, at 2:10 p.m. and 2:13 p.m. the Department unsuccessfully attempted to call Petitioner to complete an interview, but the Department was unable to reach Petitioner.
8. On September 27, 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 October 4, 2024, or Petitioner's application will be denied.
9. On October 4, 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.
10. Petitioner asserted that Petitioner is unavailable on Fridays due to having a family gathering and that Petitioner's daughter was ill on one of Petitioner's interview dates resulting in Petitioner missing that interview. Further, Petitioner indicated that Petitioner receives mail late or does not receive mail that is addressed to Petitioner.
11. On December 3, 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).

Food Assistance

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.

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 September 6, 2024, appointment notice. However, Petitioner indicated that Petitioner has a family gathering on Fridays and is not available and that Petitioner's daughter was ill on one of Petitioner's interview dates resulting in Petitioner missing that interview.

Petitioner was unable to recall if Petitioner received the September 13, 2024, notice of missed appointment.

Petitioner also testified that Petitioner received the September 20, 2024, appointment notice and the September 27, 2024, notice of missed appointment. However, Petitioner indicated that Petitioner oftentimes receives mail late or does not receive mail that is addressed to Petitioner.

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.

Medical Assistance

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No.

111-152; and 42 CFR 430.10-.25. The Department administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

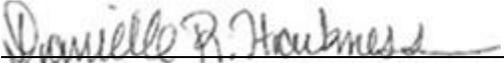
At the hearing, the department representative advised that a health care coverage determination was mailed on January 16, 2025, approving Petitioner for full coverage MA through the Healthy Michigan Plan (HMP). Petitioner's husband was also approved for emergency services only based off of his immigration status. The department representative further advised that Petitioner's daughter's Medicaid continues to be open, and she is receiving full Medicaid coverage. After this update was given, Petitioner indicated that Petitioner did not wish to proceed with a hearing regarding MA. Therefore, Petitioner's request for hearing concerning MA benefits is dismissed.

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 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
Tara Roland 82-17
Wayne-Greenfield/Joy-DHHS
8655 Greenfield
Detroit, MI 48228
MDHHS-Wayne-17-hearings@michigan.gov

Interested Parties
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M Holden
B Cabanaw
N Denson-Sogbaka
M. Schaefer
EQAD
MOAHR

Via-First Class Mail:

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