



Date Mailed: February 24, 2025

Docket No.: 25-004001

Case No.:

Petitioner:

«RECIP_FULL_NAME»

«RECIP_ADD0»

«RECIP_ADD1»

«RECIP_ADD2»

«RECIP_CITY», «RECIP_SPCODE»

«RECIP_POSTAL»

This is an important legal document. Please have someone translate the document.

هذه وثيقة قانونية مهمة. يرجى أن يكون هناك شخص ما يترجم المستند.

এটি একটি গুরুত্বপূর্ণ আইনি ডকুমেন্ট। দয়া করে কেউ দস্তাবেজ অনুবাদ করুন।

Este es un documento legal importante. Por favor, que alguien traduzca el documento.

这是一份重要的法律文件。请让别人翻译文件。

Ky është një dokument ligjor i rëndësishëm. Ju lutem, kini dikë ta përktheni dokumentin.

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; 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 via telephone conference on February 18, 2025. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Hannah Czechowski, Hearing Facilitator.

ISSUE

Did the Department properly deny Petitioner's [REDACTED] 2024 Food Assistance Program (FAP) application?

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 [REDACTED] 2024, Petitioner applied for FAP.
2. On [REDACTED] 2024, the Department sent Petitioner an Appointment Notice, notifying her that she would be called for a FAP interview on December 16, 2024, between 10:30 am and 12:30 pm. Exhibit A, p. 17.

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3. On December 16, 2024, the Department sent Petitioner a Notice of Missed Interview notifying her that she missed her scheduled FAP interview, and it was her responsibility to reschedule the interview before January 8, 2025. Exhibit A, p. 18.
 4. On January 8, 2025, the Department sent Petitioner a Notice of Case Action (NOCA) notifying her that her FAP application was denied due to her failure to complete the interview requirement. Exhibit A, pp. 19-22.
 5. On January 8, 2025, the Department received Petitioner's verbal request for hearing disputing the denial of FAP. Exhibit A, pp. 3-5.

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.

The Department denied Petitioner's FAP application due to her failure to complete the interview process. An interview is required before denying FAP assistance. BAM 115 (October 2024), pp. 6, 18. The purpose of the interview is to explain program requirements to the applicant and to gather information for determining the group's eligibility. BAM 115, p. 16. For FAP, the Department conducts a telephone interview at application. BAM 115, pp. 20, 22. If clients miss the first FAP scheduled interview appointment, the Department sends a DHS-254, Notice of Missed Interview, notifying them that it was now their responsibility to request another interview. BAM 115, p. 23. If the client fails to reschedule or misses the rescheduled interview, the application is denied on the 30th day of the client's application date. BAM 115, pp. 6, 18, 23, 34.

In this case, Petitioner acknowledges receiving the Department's appointment notice scheduling a FAP interview on December 16, 2024, between 10:30 am and 12:30 pm and that the number referenced on the notice was her correct number. Exhibit A, pp. 27-28. However, Petitioner contends that she missed the interview call because it came from a blocked number, and she does answer blocked phone calls. Petitioner further contends that after hearing the voicemail left by the Department, she called the Department and was told to wait for a call back. She contends that she waited for a call from the Department and none was received. The Department alleged that it attempted

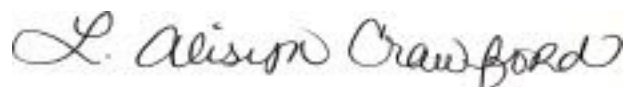
to call Petitioner twice on the scheduled interview date, once at 12:26 pm and again at 12:28 pm, without answer, and left a voicemail message for Petitioner. The Department introduced case comments containing the notes verifying their call attempts to Petitioner. The Department established that it sent Petitioner a Notice of Missed Appointment on December 16, 2024, notifying her that she had missed her FAP interview appointment, and it was now her responsibility to reschedule the interview. The Department established that it attempted to contact Petitioner again on January 2, 2025 at 11:33 am and 11:40 am, which Petitioner did not respond to, resulting in the Department leaving a voicemail message for her.

The Department's documentation of its calls to Petitioner was persuasive. The documentation was authored by more than one Department specialist which raises the credibility of the documentation. While there is evidence that Petitioner attempted to contact the Department after the missed interview in December 2024, Petitioner acknowledged that she was aware that the Department may call from a blocked number. Given the evidence, the Department properly denied Petitioner's December 2024 FAP application due to a failure by Petitioner to be interviewed. Petitioner reapplied for FAP benefits on January 9, 2025 and completed her FAP interview on January 13, 2025, and is now approved for FAP benefits for January 9, 2025 ongoing.

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 Department policy when it denied Petitioner's FAP application for failure to complete required interview.

Accordingly, the Department's decision is **AFFIRMED**.



**L. ALISYN CRAWFORD
ADMINISTRATIVE LAW JUDGE**

APPEAL RIGHTS: Petitioner may appeal this Hearing Decision to the circuit court. Rules for appeals to the circuit court can be found in the Michigan Court Rules (MCR), including MCR 7.101 to MCR 7.123, available at the Michigan Courts website at courts.michigan.gov. The Michigan Office of Administrative Hearings and Rules (MOAHR) cannot provide legal advice, but assistance may be available through the State Bar of Michigan at <https://lrs.michbar.org> or Michigan Legal Help at <https://michiganlegalhelp.org>. A copy of the circuit court appeal should be sent to MOAHR. A circuit court appeal may result in a reversal of the Hearing Decision.

Either party who disagrees with this Hearing Decision may also send a written request for a rehearing and/or reconsideration to MOAHR within 30 days of the mailing date of this Hearing Decision. Requests MOAHR receives more than 30 days from the mailing date of this Hearing Decision may be considered untimely and dismissed. The request should include Petitioner's name, the docket number from page 1 of this Hearing Decision, an explanation of the specific reasons for the request, and any documents supporting the request. The request should be sent to MOAHR

- by email to MOAHR-BSD-Support@michigan.gov, **OR**
- by fax at (517) 763-0155, **OR**
- by mail addressed to
Michigan Office of Administrative Hearings and Rules
Rehearing/Reconsideration Request
P.O. Box 30639
Lansing Michigan 48909-8139

Documents sent via email are not secure and can be faxed or mailed to avoid any potential risks.

Via Electronic Mail:

Respondent

GENESEE COUNTY DHHS CLIO RD DIST
4809 CLIO RD
FLINT, MI 48502

MDHHS-GENESEE-CLIO-HEARINGS@MICHIGAN.GOV

Interested Parties

BSC2
M Holden
B Cabanaw
N Denson-Sogbaka
MOAHR

Via First Class Mail:

Petitioner

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