



Date Mailed: March 21, 2025

Docket No.: 25-008174

Case No.: [REDACTED]

Petitioner: [REDACTED]

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 March 20, 2025. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Priya Johnson, Assistance Payments Supervisor.

ISSUE

Did MDHHS properly deny Petitioner's Food Assistance Program (FAP) application for failure to complete the application phone interview?

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 December [REDACTED] 2024, Petitioner submitted an application for FAP benefits.
2. On January [REDACTED] 2025, MDHHS issued an Appointment Notice to Petitioner, informing her that a telephone interview was scheduled for January 17, 2025, between 9:00AM and 11:00AM, and providing her with the necessary details for the interview.

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3. On January ■ 2025, MDHHS attempted to call Petitioner at her phone number of record on two occasions. Petitioner's phone was disconnected. Petitioner called MDHHS in an attempt to complete the interview but was unable to reach a caseworker.
 4. On January ■ 2025, MDHHS issued a Notice of Missed Appointment to Petitioner informing her that she missed the required application. In this notice, MDHHS advised Petitioner that it was her responsibility to reschedule the interview, otherwise her application would be denied (Exhibit A, p. 5).
 5. On January ■ 2025, MDHHS issued a Notice of Case Action to Petitioner informing that her FAP application has been denied for failure to complete the interview requirement (Exhibit A, pp. 6-9).
 6. MDHHS received Petitioner's hearing request disputing the denial of her FAP application (Exhibit A, p. 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.

Petitioner disputes MDHHS's denial of her December 3, 2024 FAP application for failing to complete the required interview with MDHHS.

Following registration of a FAP application, MDHHS must interview clients. BAM 115 (October 1, 2024), p. 1. 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. 17-18. During the interview, MDHHS will:

- State the client's rights and responsibilities
- Review and update the application.
- Help complete application items not completed when it was filed.
- Resolve any unclear or inconsistent information.
- Request needed verification not brought to the interview.
- Advise the client of the standard of promptness for processing.
- Make services referrals if needed.

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- Confirm if the client needs a MiHealth card and/or Bridge card.
 - Advise how and when they receive benefits.
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BAM 115, p. 18-19.

FAP interviews must be held by phone by the 20th day after the application date to allow the client at least 10 days to provide verifications by the 30th day. If clients miss an interview appointment, MDHHS sends a Notice of Missed Interview, advising them that it is the clients' responsibility to request another interview date. It sends a notice only after the first missed interview. If the client calls to reschedule, the interview will be scheduled prior to the 30th day from application submission, if possible. If the client fails to reschedule or misses the rescheduled interview, the application will be denied on the 30th day after it was submitted. BAM 115, p. 24.

In this case, MDHHS issued an Appointment Notice to Petitioner, informing her that a telephone interview was scheduled for January ■ 2025, and providing her with the necessary details for the interview. On January ■ 2025, MDHHS attempted to call Petitioner at her phone number of record on two occasions. Petitioner's phone was disconnected. Petitioner called MDHHS in an attempt to complete the interview but was unable to reach a caseworker. Since Petitioner attempted to reschedule and participate in the required application interview within 30 days of applying for FAP, MDHHS should not have denied her FAP application. Therefore, MDHHS did not act in accordance with policy in denying Petitioner's application.

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 MDHHS did not act in accordance with Department policy when it denied Petitioner's December ■ 2024 FAP application for failure to complete the application interview.

Accordingly, MDHHS' 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. Reregister the December ■ 2024 application;
2. Reprocess the application the FAP application for December ■ 2024 ongoing;
3. If Petitioner is eligible for benefits, issue supplements to Petitioner for any FAP benefits she was eligible to receive but did not from December ■ 2024 ongoing;
4. Notify Petitioner of its decision in writing.



DANIELLE NUCCIO
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. 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. Requests MOAHR receives more than 30 days from the mailing date of this Hearing Decision may be considered untimely and dismissed.

Via Electronic Mail:

Respondent

OAKLAND COUNTY DHHS -
SOUTHFIELD DIST
25620 W 8 MILE RD
SOUTHFIELD, MI 48033
**MDHHS-OAKLAND-6303-
HEARINGS@MICHIGAN.GOV**

HOLDENM

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MOAHR

Via First Class Mail:

Petitioner

