



Date Mailed: February 11, 2025

Docket No.: 24-038007

Case No.: [REDACTED]

Petitioner: [REDACTED]

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

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

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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 5, 2025. Petitioner appeared and was represented by Nidhal Herfi, Authorized Hearing Representative. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Karen Smalls, Assistance Payments Supervisor.

ISSUE

Did MDHHS properly deny Petitioner's 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], Petitioner applied for FAP benefits.
2. On December 12, 2024, MDHHS attempted to complete a phone interview with Petitioner as part of the FAP application process. Petitioner did not answer the phone call and did not have a voicemail system activated.
3. On December 26, 2024, MDHHS issued a Notice of Case Action informing Petitioner that her FAP application has been denied for failure to return verifications of income as requested (Exhibit A, pp. 18-22).

4. On December 27, 2024, a Notice of Missed Appointment was issued to Petitioner, informing her that it was her responsibility to reschedule the interview, otherwise her application would be denied.
5. On December 27, 2024, MDHHS received Petitioner's timely submitted hearing request disputing the denial of her FAP application (Exhibit A, pp. 3-6).

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 applied for FAP benefits on [REDACTED]. On December 26, 2024, MDHHS issued a Notice of Case Action informing Petitioner that her FAP application has been denied for failure to return verifications of income as requested. MDHHS testified that all verifications requested were timely received, and the actual denial reason was for failure to complete the required interview with MDHHS. Petitioner disputes the denial of her FAP application.

Following registration of a FAP application, MDHHS **must** interview clients. BAM 115 (October 2024), p. 1 (Emphasis added). 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, pp. 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.
- Confirm if the client needs a MiHealth card and/or Bridge card.
- Advise how and when they receive benefits.

BAM 115, pp. 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, Bridges 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.

MDHHS testified that they attempted to interview Petitioner on December 12, 2024, but Petitioner did not answer the phone call and did not have a voicemail system activated. However, MDHHS testified

that no Appointment Notice was issued to Petitioner to inform her that this interview was scheduled. On December 20, 2024, Petitioner called MDHHS regarding her application, but no interview was completed. Petitioner's application was denied on December 26, 2024. On December 27, 2024, a Notice of Missed Appointment was issued to Petitioner, informing her that it was her responsibility to reschedule the interview, otherwise her application would be denied. However, MDHHS had already denied Petitioner's FAP application without giving the opportunity for the interview to be rescheduled. Therefore, MDHHS did not act in accordance with policy when denying Petitioner's FAP application for failure to complete the application interview.

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 policy when denying Petitioner's FAP application for failure to complete the application 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. Reregister Petitioner's [REDACTED] application;
2. Reprocess the application/recalculate the FAP budget for November 5, 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 November 5, 2024 ongoing;
4. Notify Petitioner of its decision in writing.



DANIELLE NUCCIO
ADMINISTRATIVE LAW JUDGE

NOTICE OF APPEAL: You may appeal to the circuit court for the county in which you reside within 30 days from the mailing date of this decision. The appeal should be filed with your local court and not MAHS. Contact your local court for information on how to file an appeal. You may also ask for a rehearing or reconsideration **if** the original hearing is not complete for the circuit review, if there is **newly** discovered evidence that existed at the time of the original hearing that could change the original hearing decision, if the ALJ did not correctly use manual policy or law, if there are obvious mistakes that change the rights of the Petitioner or if the ALJ did not address all of the issues you wrote in your hearing request. A request for rehearing/reconsideration **cannot** be granted if you only disagree with the decision itself. All rehearing or reconsideration requests must be received by MAHS within 30 days of the date on this decision.

Via Electronic Mail:

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Via First Class Mail:

Petitioner

A large rectangular area of the page is completely blacked out with a solid black redaction box, obscuring a list of names that would otherwise be present under the "Petitioner" heading.