



Date Mailed: April 9, 2025

Docket No.: 25-010145

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।

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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 April 3, 2025. Petitioner appeared and represented herself. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Danielle Moton, Assistance Payments Worker.

ISSUE

Did the Department properly deny Petitioner's application for Food Assistance Program (FAP) benefits?

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 or around [REDACTED] 2025, Petitioner submitted an application requesting FAP benefits. (Exhibit A, pp. 9-15)
2. On or around [REDACTED] 2025, the Department sent Petitioner an Appointment Notice, informing her that she was scheduled to have a telephone interview for her

application on February 12, 2025, between 2:00 PM and 4:00 PM. (Exhibit A, p. 20)

- a. The Department acknowledged that this Appointment notice was sent in error, as the date of the scheduled interview was incorrect.
3. On or around February 13, 2025, the Department sent Petitioner an Appointment Notice, informing her that she was scheduled to have a telephone interview for her application on February 21, 2025, between 10:00 AM and 12:00 PM. (Exhibit A, p. 19)
4. The Department asserted that a Department employee attempted to contact Petitioner to complete the application interview but Petitioner did not answer. (Exhibit A, p.16)
5. On or around February 21, 2025, the Department sent Petitioner a Notice of Missed Appointment, advising her that she missed her scheduled application interview and instructing her to contact the Department to have the interview rescheduled by March 13, 2025, otherwise her application would be denied. (Exhibit A, p.21)
6. On or around March 13, 2025, the Department sent Petitioner a Notice of Case Action advising her that her [REDACTED] 2025, FAP application was denied because she is not an eligible student. (Exhibit A, pp. 22-25)
7. On or around March 6, 2025, Petitioner requested a hearing disputing the Department's actions with respect to her FAP case.

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.

In this case, the Department initially asserted that Petitioner's [REDACTED] 2025, FAP application was denied because she failed to participate in an application interview. However, a review of the March 13, 2025, Notice of Case Action indicates that the

application was denied because Petitioner did not meet the student status criteria and was an ineligible student for FAP purposes.

The Department is to conduct an interview at application for the FAP before approving benefits. BAM 115 (October 2024), p. 17-20. The Department is to schedule the interview promptly, in order to meet the standard of promptness. The person interviewed may be any responsible group member, or AR. For FAP cases, the interview must be held by the 20th day after the application date to allow the client at least 10 days to provide the verifications by the 30th day. BAM 115, p. 22-24. Applicants are required to participate in the FAP interview process. If a client misses an interview appointment, the Department will send a DHS-254, Notice of Missed Interview, advising the client that it is now the client's responsibility to request another interview date. It sends a notice only after the first missed interview. If the client calls to reschedule, the Department will set the interview prior to the 30th day, if possible. If the client fails to reschedule or misses the rescheduled interview, the Department will deny the application on the 30th day. BAM 115, pp.18-26. If the client completes the application process after denial but within 60 days of the application date, the Department is to follow the subsequent processing policy outlined in BAM 115, and issue FAP benefits to Petitioner if determined eligible. BAM 115, pp. 18-26.

Additionally, a person who is in student status and does not meet the criteria in BEM 245 is a non-group member and is not eligible to receive FAP benefits. BEM 212 (October 2024), p. 10. A person is in student status if he is: age 18 through 49; and enrolled half-time or more in a: vocational, trade, business, or technical school that normally requires a high school diploma or any equivalency certificate, or regular curriculum at a college or university that offers degree programs regardless of whether a diploma is required. BEM 245, pp.3-4. A person enrolled in a post-secondary education program may be in student status and eligible for FAP assistance, provided that certain eligibility criteria are met. BEM 245 (July 2023), pp.3-5.

The Department representative testified that attempts were made to contact Petitioner to conduct the application interview at the scheduled time; however, Petitioner did not answer and subsequently, failed to contact the Department to have the interview rescheduled prior to the March 13, 2025, date identified on the Notice of Missed appointment. Petitioner disputed the Department's testimony and asserted that she contacted the Department on three occasions. Petitioner testified that she contacted the Department on February 21, 2025, to have the interview rescheduled and the representative from the Department hung up the call on her. Petitioner testified that she contacted the Department on February 24, 2025, in order to reschedule the interview and was told by a Department representative that she should just reapply for FAP benefits. Petitioner's testimony as to her attempts to reschedule the interview was credible.

With respect to the Department's argument that Petitioner was an ineligible student, the Department representative testified that Petitioner did not meet the criteria outlined in BEM 245 and was ineligible to receive FAP benefits. Petitioner confirmed that she is

enrolled as a full time student at Henry Ford College. Petitioner also confirmed that she is not employed, not physically or mentally unfit for employment, not caring for a minor child, and that she does not participate in a work study or job training program. However, the Department failed to present any evidence regarding Petitioner's participation in the Perkins Program through Henry Ford College. There was no evidence that the Department requested verification from Petitioner as to whether she was enrolled in the Perkins Program or that any collateral contact was made with the community college to verify eligibility or enrollment in the Perkins Program as required. BEM 245, pp. 3-5, 12-13. Therefore, the Department failed to establish that Petitioner was an ineligible student.

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 did not act in accordance with Department policy when it denied Petitioner's [REDACTED] 2025, FAP application.

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. Register and reprocess Petitioner's [REDACTED] 2025, FAP application to determine her eligibility for FAP benefits from the application date, ongoing;
2. Issue FAP supplements to Petitioner for any benefits she was eligible to receive but did not from the application date, ongoing; and
3. Notify Petitioner in writing of its decision.



ZAINAB A BAYDOUN
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

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Interested Parties

BSC4
B CABANAW
M HOLDEN
MOAHR

Via First Class Mail:

Petitioner

_____, MI _____