



**Date Mailed:** July 7, 2025  
**Docket No.:** 25-019178  
**Case No.:** [REDACTED]  
**Petitioner:** [REDACTED]

[REDACTED]  
MI [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.

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**Docket No.:** 25-019178

**Case No.:** [REDACTED]

**Petitioner:** [REDACTED]

### **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; 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. After due notice, a hearing was held by telephone on July 3, 2025. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Priya Johnson, Assistance Payments Supervisor. Translation services were provided by Peter Chona, an independent English-Arabic translator.

### **ISSUE**

Did the Department properly deny Petitioner's application for Food Assistance Program (FAP) benefits for failure to complete an 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 [REDACTED] 2025, the Department received an application for FAP benefits and other assistance from Petitioner and attempted to reach Petitioner by telephone to complete the FAP interview. Petitioner reported on her application that she speaks Arabic. (Exhibit 1, p. 1; p. 7, Serial No. 25).
1. On April 17, 2025, the Department sent Petitioner an Appointment Notice that scheduled a telephone FAP interview for April 24, 2025 between 8:45 a.m. and 10:45 a.m. (Exhibit 1, p. 8).
2. On April 18, 2025, Petitioner returned the Department's telephone call from April 17, 2025 and confirmed the date and time of her scheduled FAP interview. (Exhibit 1, p. 7, Serial No. 17).
3. On April 23, 2025, the Department attempted to reach Petitioner by telephone to complete the FAP interview. (Exhibit 1, p. 7, Serial No. 18).
4. On April 24, 2025, the Department attempted to reach Petitioner by telephone to complete the scheduled FAP interview. (Exhibit 1, p. 7, Serial No. 24).

25-019178

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5. On April 25, 2025, the Department attempted to reach Petitioner by telephone to complete the FAP interview and left a message for Petitioner in Arabic. (Exhibit 1, p. 7, Serial No. 25).
  6. On April 25, 2025, the Department sent Petitioner a Notice of Missed Appointment that informed Petitioner that she missed her FAP interview and must reschedule the interview before May 17, 2025 or her application for FAP benefits would be denied. (Exhibit 1, p. 9).
  7. On April 25, 2025, Petitioner returned the Department's telephone call from April 24, 2025 regarding her FAP interview. (Exhibit 1, p. 7, Serial No. 27).
  8. On May 8, 2025, Petitioner called the Department and requested to reschedule her missed FAP interview. (Exhibit 1, p. 7, Serial No. 28).
  9. On May 8, 2025, the Department attempted to reach Petitioner by telephone to complete the FAP interview. The Department rescheduled Petitioner's FAP interview for May 9, 2025 at 9:00 a.m. (Exhibit 1, p. 6, Serial No. 29).
  10. On May 9, 2025, the Department and Petitioner began the FAP interview but the call was disconnected and the parties were unable to reconnect. (Exhibit 1, p. 6, Serial No. 31).
  11. On May 9, 2025, the Department sent Petitioner another Notice of Missed Appointment that informed Petitioner that she missed her FAP interview and must reschedule the interview before May 17, 2025 or her application for FAP benefits would be denied. (Exhibit 1, p. 10).
  12. On May 12, 2025, Petitioner called the Department regarding the status of her FAP application. (Exhibit 1, p. 6, Serial No. 32).
  13. On May 12, 2025, the Department spoke to Petitioner again and she requested to reschedule her FAP interview. The Department rescheduled the FAP interview for May 13, 2025 at 9:00 a.m. (Exhibit 1, p. 6, Serial No. 33).
  14. On May 14, 2025, the Department received Petitioner's request for hearing regarding her attempts to complete the FAP interview. (Exhibit 1, pp. 3 – 5).
  15. On May 19, 2025, the Department issued a Notice of Case Action (NOCA) to Petitioner that denied her application for FAP benefits based on failure to complete the interview requirement. (Exhibit 1, pp. 11 – 14).

### **CONCLUSIONS OF LAW**

25-019178

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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.

Before May 17, 2025, Petitioner requested a hearing regarding her attempts to complete the FAP interview. On May 19, 2025, the Department denied Petitioner FAP benefits due to Petitioner's failure to complete the FAP interview.

To determine a client's FAP benefit eligibility at application, the Department must interview the client. BAM 115 (October 2024), pp. 18, 20, 22. The purpose of the interview is to explain program requirements and gather information to determine the group's eligibility. BAM 115, p. 16. Interviews must be scheduled promptly to meet standards of promptness. BAM 115, p. 22. In FAP cases, the interview must be held by the 20<sup>th</sup> day after the application date to allow the client at least ten days to provide verifications by the 30<sup>th</sup> day. BAM 115, p. 22. If the client misses the scheduled interview appointment, the Department sends a Notice of Missed Appointment to the client, advising the client that it is his or her responsibility to request another interview date; and if the client calls to reschedule, the interview is to be scheduled no later than the 30<sup>th</sup> day after application, if possible. BAM 115, p. 23. The Department must also show particular sensitivity to clients who are illiterate, disabled, or not fluent in English. BAM 105 (April 2025), p. 14.

In this case, Petitioner applied for FAP benefits on [REDACTED] 2025 and indicated that her primary spoken language was Arabic, though there was no evidence of whether Petitioner's primary written language is also Arabic. Petitioner provided her telephone number on her application and there was no dispute that the number was accurate. The evidence established that the Department attempted to call Petitioner on April 17, 2025, but was unable to reach her and scheduled an interview for April 24, 2025 between 8:45 a.m. and 10:45 a.m. The evidence also established that Petitioner returned the Department's call on April 18, 2025, at which time it confirmed the scheduled interview date with her.

The Department's records reflect that it attempted to contact Petitioner for her interview on April 24, 2025. However, Petitioner credibly testified that she did not receive a call

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that day. Although the Department's records and Petitioner's testimony regarding the events of April 24, 2025 conflict, the testimony and evidence established that:

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- a) The Department attempted to contact Petitioner again on April 25, 2025 and Petitioner returned the Department's call that day,
- b) The Department sent Petitioner a Notice of Missed Appointment, in English, that informed Petitioner that she missed her FAP interview and must reschedule the interview before May 17, 2025, or her application for FAP benefits would be denied,
- c) Petitioner called the Department at least twice before May 17, 2025 to reschedule her FAP interview,
- d) The Department completed part of Petitioner's FAP interview on May 9, 2025; however, the parties were disconnected and neither could reconnect with the other, and
- e) On May 12, 2025, Petitioner called the Department and requested that her continued interview be rescheduled.

Additionally, although the Department's records reflect that it scheduled Petitioner for a continued interview for May 13, 2025, there was no record that the Department attempted to call her that day. (Exhibit 1, p. 6, Serial No. 32 – 38).

Petitioner's actions established that she attempted to, and was able and willing to, complete the FAP interview. However, the Department did not establish that it attempted to complete Petitioner's FAP interview on May 13, 2025 as scheduled. BAM 115, pp. 23, 34 – 35. Therefore, the Department did not establish that it acted in accordance with Department policy.

### **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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it failed to call Petitioner for her continued FAP interview on May 13, 2025 as scheduled.

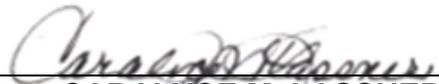
Accordingly, the Department's decision is **REVERSED**.

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:

25-019178

1. Reinstate Petitioner's [REDACTED] 2025 FAP application;
1. Reschedule Petitioner's continued FAP interview, if it has not already completed her interview;
2. Redetermine Petitioner's eligibility for FAP benefits effective April 17, 2025 ongoing;
3. If Petitioner is eligible for any supplemental FAP benefits, issue supplemental payments to Petitioner for any FAP benefits she was eligible to receive but did not, from April 17, 2025 ongoing; and
4. Notify Petitioner of its decision in writing.

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**CARALYCE M. LASSNER**  
**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](https://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://rs.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](mailto: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

25-019178

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**Via Electronic Mail:**

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**Interested Parties**

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**Via First Class Mail:**

