

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED]
Claimant

Reg. No: 2009-11787
Issue No: 3019
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 16, 2009
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Tyra L. Wright

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon Claimant's request for a hearing. After due notice, a hearing was held on March 16, 2009. The Claimant personally appeared and testified. An eligibility specialist represented the Department of Human Services (Department).

ISSUE

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

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

- (1) Claimant applied for FAP benefits on December 1, 2008. (Exhibits 4-19).
- (2) On December 2, 2008, the Department sent Claimant a Verification Checklist and Verification of Employment form, DHS-38. The checklist requested that Claimant

- return to the Department by December 12, 2008, the employment verification form, paycheck stubs, proof of rent payments, and other information. (Exhibit 3).
- (3) The Verification Checklist also notified Claimant that an interview had been scheduled for December 12, 2008 at [REDACTED] (Exhibit 3).
 - (4) The Checklist and employment verification form were sent to Claimant's mailing address, [REDACTED]
 - (5) Claimant contends that she did not receive the verification checklist until after the interview date.
 - (6) On December 12, 2008, the Department sent Claimant a Notice of Missed Interview, DHS-254. (Exhibit 2).
 - (7) Claimant called the Department on December 13, 2008 to ask if anything else could be done.
 - (8) A telephone interview was scheduled for January 2, 2009 at [REDACTED]. Claimant mistakenly wrote down January 4, 2008.
 - (9) The Department family independence manager called Claimant twice on January 2, 2009 to begin the interview. The manager could not leave a message because no voice mail service was available.
 - (10) The Department denied Claimant's application on January 2, 2009. Claimant was sent an Application Eligibility Notice on January 2, 2009, notifying her that the application had been denied. (Exhibit 1).
 - (11) The Department received Claimant's hearing request on January 13, 2009. (Exhibit 20).

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (formerly known as the Food Stamp (FS) program) is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the FAP program pursuant to MCL 400.10, et seq., and MAC R 400.3001-3015. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

INCOMPLETE APPLICATIONS

All Programs

An application is incomplete until it includes enough information to determine eligibility. See [PAM 105](#) for a list of the minimum information required for registering an application.

When an incomplete application is filed, retain the application and give or send the client the DHS-330, Pending Application Notice. It informs the client of the:

- Application date,
- Due date for missing information, **and**
- Interview date, if any.
- An interview is **not** necessary, **or**
- Information is still missing after the initial interview.

Note: The DHS-330 can also be used as a receipt for a completed application and scheduling an interview.

Reminder: If an interview is necessary, conduct it on the day of the filing, if possible. Otherwise, schedule it for **no later than 10 calendar days** from the application date. (PAM 115, p. 3)

Failure to Complete the Application Process

All Programs

You **cannot** deny an application due to incompleteness until 10 calendar days from the **later** of:

- Your initial request in writing to the applicant to complete the application form or supply missing information, **or**
- The initial scheduled interview.

Exception: For FAP, you **cannot** deny an application due to a **missed initial interview** until the **30th** day after the application date. You **cannot** deny an application for failure to provide verifications or complete the application process until the 30th day if the client has **not** attended the initial interview. (PAM 115, p. 4)

Under the FAP exception to PAM 115, the Department could not properly deny Claimant's application for FAP benefits, due to a missed initial interview, until the 30th day after her application date. The application was submitted on December 1, 2008. The Department denied her application for failure to attend the initial interview on January 2, 2009, which was 30 days after Claimant submitted her application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department properly denied Claimant's FAP application for failure to attend the initial interview.

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

/s/
Tyra L. Wright
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

2009-11787/TW

Date Signed: 03/20/09

Date Mailed: 03/23/09 dj

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

TW/dj

cc:

