

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: 2009-15054

Issue No: 3019

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

April 1, 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 April 1, 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 February 3, 2009.
- (2) Claimant's FAP application interview was scheduled for February 12, 2009 at [REDACTED] because he was already scheduled to come to the Department Office on February 12, 2009 for an interview for an annual review of his medical case.

- (3) The Department mailed Claimant a Verification Checklist, DHS 3503, to inform him that his FAP interview was scheduled for February 12, 2009 at [REDACTED] (Exhibit 1).
- (4) Claimant did not report for the interview and did not call to report his absence.
- (5) Claimant asserted that he did not attend the interview because (a) he did not have insurance on his vehicle and (b) had taken several medications that made driving unsafe.
- (6) He did not call to report his absence or to reschedule another interview because he could not use his prepaid cell phone. Claimant explained that in the past he had been put on hold for so long when he used the phone to contact the Department that he was running out of minutes, leaving him without enough minutes to call the Department and making calling too costly.
- (7) On February 17, 2009, the Department worker sent Claimant a Notice of Missed Interview, DHS-254. The notice informed him that it was his “responsibility to reschedule the interview before 03/05/09” or his application would be denied. (Exhibit 5).
- (8) On February 23, 2009, the Department worker documented that she had tried to call Claimant to schedule another interview but did not reach him and was unable to leave a voice message. (Exhibit 6). Claimant asserted that his cell phone did not have voice message capability at the time.
- (9) The Department worker denied his application on March 5, 2009.
- (10) Claimant requested the hearing on the grounds that he is interested in receiving benefits and his circumstances prevented him from attending the interview on February 12, 2009.

- (11) The Department received Claimant's hearing request on February 17, 2009.  
(Exhibit 2).

### 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)

In this case, Claimant missed his initial interview after applying for FAP benefits.

Although Claimant articulated reasons for missing the interview, he still had the responsibility to reschedule the interview. He did not do so.

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 30<sup>th</sup> day after his application date. The application was submitted on February 3, 2009. The Department denied the application for failure to attend the initial interview on March 5, 2009, which was more than 30 days after he submitted his 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/  
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Tyra L. Wright  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: 04/06/09

Date Mailed: 04/07/09

**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

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