

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: 2009-22031
Issue No: 3019
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 15, 2009
Oakland 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 June 15, 2009. The Claimant personally appeared and testified. A family independence manager 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 20, 2009.
- (2) Claimant's FAP application interview was scheduled for March 5, 2009.
- (3) Believing that Claimant failed to report for the interview, the Department worker sent a notice dated March 9, 2009 to inform Claimant that she had until March 23, 2009 to reschedule the interview. (Exhibit 2).

- (4) The Department denied Claimant's application on the grounds that she failed to show up for the interview scheduled for March 5, 2009.
- (5) At the hearing, the Department witness determined that Claimant, in fact, had shown up for the interview on March 5, 2009. Consequently, the Department agreed to calculate interview and determine her eligibility for FAP benefits effective to her original application date of February 20, 2009.
- (6) The Department received Claimant's hearing request on April 13, 2009.

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 did not miss the scheduled interview. Prior to the hearing, the Department witness determined that Claimant had shown up for the interview on March 5, 2009. Consequently, the Department agreed to determine Claimant's eligibility for FAP benefits effective to her original application date of February 20, 2008.

DECISION AND ORDER

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

Accordingly, the Department's action is REVERSED. The Department is ORDERED to determine Claimant's eligibility for FAP benefits as of February 20, 2009 and issue any

retroactive FAP benefits that she would have received if application had not been denied.

/s/

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

Date Signed: 06/18/09

Date Mailed: 06/22/09

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

cc:

[REDACTED]