

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: 2009-6678

Issue No: 3019

Case No:

[REDACTED]

Load No:

Hearing Date:

February 12, 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 February 12, 2009. Claimant personally appeared and testified.

ISSUE

Did the Department properly deny Claimant's application for Food Assistance Program (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 expedited FAP benefits on October 15, 2008. (Exhibit pgs. 1-16).

(2) At the time of his application, Claimant was in a substance abuse treatment center that involved a four phase treatment program. If in phase four of treatment, which involves semi-independent living, Claimant would be potentially eligible for benefits.

(3) The Department worker wanted to confirm the phase of treatment that Claimant was in. Therefore, the Department worker scheduled an in-person interview for November 5, 2008. (Exhibit, pg. 17)

(4) Claimant did not attend the meeting. Claimant contends that he did not get the written notice of the meeting until a few days after November 5, 2008 because he picked his mail up periodically from the address that he used to get mail, [REDACTED]

(5) Claimant disagreed with the Department's determination to deny his application on the grounds that he did not know that the meeting had been scheduled until after he had already missed it.

(6) The Department received the hearing request on November 18, 2008. (Exhibit 3).

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 for FIP 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.

Check box 2 of the DHS-330 **if**:

- 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 until the 30th day after his application date. The application was submitted on October 15, 2008. The Department denied his application for failure to attend the initial interview on November 26, 2008, more than 30 days after Claimant submitted his application on the October 15, 2008.

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 application for FAP benefits.

Accordingly, the Department's action is AFFIRMED.

/s/

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

Date Signed: February 13, 2009

Date Mailed: February 20, 2009

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 of 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.

TLW/cv

cc:

