

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: 2010-4990  
Issue No: 3008  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
December 8, 2009  
Kent County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Keegstra

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 telephone hearing was held on December 8, 2009. The claimant personally appeared and provided testimony.

ISSUE

Did the department properly deny the claimant's Food Assistance Program (FAP) application for failure to return the required verification materials in September, 2009?

FINDINGS OF FACT

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

1. The claimant applied for FAP benefits on July 15, 2009.  
(Department Exhibit 7-8).
2. The claimant was mailed a Notice of Missing Information (DHS-330) on July 17, 2009, that informed the claimant she had an interview on July 27, 2009. The claimant did not attend the interview. (Department Exhibit 10).

3. The claimant was mailed a Verification Checklist (DHS-3503) on September 18, 2009, scheduling her for an in-person interview on September 29, 2009 and informing the claimant she needed to bring 30 days of paycheck stubs or a completed Verification of Employment (DHS-38); proof of her rent amount; and proof of the amount her renter paid to her. (Department Exhibit 1 – 2).

4. The claimant was also mailed an Appointment Notice (DHS-170) on September 18, 2009, again informing her of the scheduled appointment for September 29, 2009. (Department Exhibit 3).

5. The claimant did not attend the scheduled appointment. The claimant was mailed a Notice of Missed Interview (DHS-254) on September 29, 2009. (Department Exhibit 6).

6. The department denied the claimant's application on September 29, 2009.

7. The claimant submitted a hearing request on October 2, 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 (DHS or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

Department policy states:

#### **CLIENT OR AUTHORIZED REPRESENTATIVE RESPONSIBILITIES**

##### **Responsibility to Cooperate**

##### **All Programs**

**Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms. BAM, Item 105, p. 5.**

### **Refusal to Cooperate Penalties**

#### **All Programs**

Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. BAM, Item 105, p. 5.

### **Verifications**

#### **All Programs**

Clients must take actions within their ability to obtain verifications. DHS staff must assist when necessary. See BAM 130 and BEM 702. BAM, Item 105, p. 8.

### **Assisting the Client**

#### **All Programs**

The local office must assist clients who ask for help in completing forms (including the DCH-0733-D) or gathering verifications. Particular sensitivity must be shown to clients who are illiterate, disabled or **not** fluent in English. BAM, Item 105, p. 9.

Verification is usually required at application/redetermination **and** for a reported change affecting eligibility or benefit level. BAM, Item 130, p. 1.

### **Obtaining Verification**

#### **All Programs**

Tell the client what verification is required, how to obtain it, and the due date (see “**Timeliness Standards**” in this item). Use the DHS-3503, Verification Checklist, or for MA redeterminations, the DHS-1175, MA Determination Notice, to request verification. BAM, Item 130, p. 2.

The client must obtain required verification, but you must assist if they need and request help. BAM, Item 130, p. 2.

### **Timeliness Standards**

**All Programs (except TMAP)**

Allow the client 10 calendar days (**or** other time limit specified in policy) to provide the verification you request. If the client cannot provide the verification despite a reasonable effort, extend the time limit at least once. BAM, Item 130, p. 4.

Send a negative action notice when:

- . the client indicates refusal to provide a verification, **or**
- . the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM, Item 130, p. 4.

Department policy requires the department to schedule an in-person appointment for the claimant when a FAP application is submitted. BAM 115. The claimant testified that she did receive the notice of the July 27, 2009 interview. The claimant testified that she had an job interview that day and called the department to reschedule the interview.

The department next mailed the claimant a Verification Checklist and an Appointment Notice, which rescheduled the claimant's appointment for September 29, 2009. The claimant testified that she did get notice of the rescheduled appointment. The claimant testified that she thought the appointment was scheduled for September 30, 2009 and that she showed up at the local office on that day. The claimant testified that she was told she had missed her appointment and that her application was denied.

The department representative testified that there was no documentation of any telephone calls from the claimant to reschedule the September 29, 2009 appointment. The claimant had two appointments scheduled for her. She did not attend either appointment. The claimant admits in her testimony that she did not attend the appointment on September 29, 2009, because she had thought the appointment was for September 30, 2009. However, the claimant received at least two notices that the appointment was for September 29, 2009. As this was already a

rescheduled interview, the department closed the claimant's case when she did not attend the second interview, in accordance with BAM 115.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly denied the claimant's FAP application because the claimant had twice failed to attend the personal interview.

Accordingly, the department's actions are UPHELD. SO ORDERED.

/s/  
\_\_\_\_\_  
Suzanne L. Keegstra  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: January 4, 2010

Date Mailed: January 19, 2010

**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.

SLK 

cc: 