

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: 2010-32949  
Issue No: 3004  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
6/15/2010  
Muskegon County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on April 21, 2010. After due notice, a telephone hearing was held on Tuesday, June 15, 2010.

ISSUE

Whether the Department of Human Services (Department) properly processed the Claimant's application for the Food Assistance Program (FAP)?

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.
- (2) The Department scheduled an interview with the Claimant for February 11, 2010.
- (3) On February 23, 2010, the Department denied the Claimant's FAP application because she had not attended the interview.

(4) On April 21, 2010, the Department received the Claimant's request for an interview, protesting the denial of her FAP application.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (formerly known as the Food Stamp 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), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes the completion of necessary forms. BAM 105, p. 5. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130, p. 1. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. BAM 130, p. 1. The Department uses documents, collateral contacts, or home calls to verify information. BAM 130, p. 1. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. BAM 130, p. 2. When documentation is not available, or clarification is needed, collateral contact may be necessary. BAM 130.

Clients are allowed ten calendar days to provide the verifications requested by the Department. BAM 130, p. 4. The Department should send a negative action notice when the

client indicates a refusal to provide the verification, or the time period provided has lapsed and the client has not made a reasonable effort to provide it. BAM 130, p. 4. The Department should extend the time limit no more than once if the client cannot provide the verification despite a reasonable effort. BAM 130, p. 4.

The Department will deny an application where the applicant does not reasonably cooperate in the application process. BAM 115.

The Claimant applied for FAP benefits. The Department scheduled an interview with the Claimant for February 11, 2010. The Department's case notes indicate that a caseworker attempted to contact the Claimant on February 12, 2010, and February 19, 2010, concerning the missed interview. The Claimant did not take place in an interview to determine eligibility, and there is no evidence that she attempted to reschedule the interview that she did not attend. The Department denied the Claimant's application for benefits on February 23, 2010.

The Claimant argued that she does not received correspondence from the Department in a timely manner. The Claimant testified that she received notice of an interview with her caseworker after the interview was scheduled to take place. The Claimant also testified that she did not receive any telephone messages at home left by caseworkers.

The Claimant argued that there might have been a power outage that prevented her from receiving telephone messages left by her caseworker, but did not present evidence at the hearing of a power outage.

An interview is a necessary stage of determining a person's eligibility for FAP benefits. The Department established that it acted according to policy when it denied the Claimant's FAP application because the Claimant did not participate in an interview scheduled by the Department.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's FAP eligibility.

The Department's FAP eligibility determination is AFFIRMED. It is SO ORDERED.

/s/ \_\_\_\_\_  
Kevin Scully  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: June 24, 2010

Date Mailed: June 24, 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.

KS/vc

cc:

