

STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]  
[REDACTED]  
[REDACTED]

Reg. No: 201135273  
Issue No: 3008  
Case No: [REDACTED]  
Hearing Date:  
June 21, 2011  
DHS-SSPC-WEST

**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 May 24, 2011. After due notice, a telephone hearing was held on Tuesday, June 21, 2011.

**ISSUE**

Whether the Department of Human Services (Department) properly determined the Claimant's Food Assistance Program (FAP) eligibility?

**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 Food Assistance Program (FAP) benefits on March 23, 2011.
2. The Department scheduled an interview with the Claimant for March 31, 2011.
3. On March 31, 2011, the Department sent the Claimant a Notice of Missed Interview.
4. On April 22, 2011, the Department notified the Claimant that it had denied his Food Assistance Program (FAP) application for failure to provide information necessary to determine his eligibility to receive benefits.
5. The Department received the Claimant's request for a hearing on May 24, 2011, protesting the denial of his Food Assistance Program (FAP)

application. The request was received 12 days after the Department sent its notice of case action.

### **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. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130. 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. The Department uses documents, collateral contacts, or home calls to verify information. BAM 130. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. BAM 130. When documentation is not available, or clarification is needed, collateral contact may be necessary. BAM 130.

The Department will determine the party that is at fault 30 days after the application date. The applicant is at fault when the Department has taken all required actions but the group has not complied with either of the following:

- Provided all verifications by the 30th day, despite 10 days or more to provide them.
- Participated in the scheduled interview. BAM 115.

When a Food Assistance Program (FAP) applicant fails to attend the eligibility interview, it becomes the applicant's responsibility contact the Department to reschedule the interview. BAM 115.

In this case, the Claimant failed to attend his eligibility interview do to a conflict with his educational programming. Although the Claimant may have attempted to reschedule his interview, since he failed to attend his scheduled interview, the burden shifted to him to ensure that that interview was rescheduled. The Claimant failed to reschedule or participate in the required eligibility interview before the Department's 30 day standard of promptness had passed. Therefore, the Department denied his application for the Food Assistance Program (FAP).

Based on the evidence and testimony available during the hearing, the Department has established that it properly denied the Claimant's Food Assistance Program (FAP) application for failure to provide information necessary to determine his eligibility to receive benefits.

**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 Food Assistance Program (FAP) eligibility.

The Department's Food Assistance Program (FAP) eligibility determination is **AFFIRMED**. It is **SO ORDERED**.



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Kevin Scully  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: June 24, 2011

Date Mailed: June 27, 2011

**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/tg

cc:

