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

### IN THE MATTER OF:



Reg. No.: Issue No.: Case No.: Hearing Date: County: 2013-43853 3019

May 30, 2013 DHS-SSPC Central

#### ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

## HEARING DECISION

This matter is before the undersigned Admini strative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claim ant's request for a hearing. After due notice, a 3-way telephone hearing was held on May 30, 2013, from Lansing, Michigan. Claimant appeared by telephone and prov ided testimony. Participants on behalf of Department of Human Services (Department) included Assistance Payment Supervisor

#### **ISSUE**

Did the Department properly deny Claimant's application for Food Assistance Program (FAP) benefits?

## FINDINGS OF FACT

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

- 1. Claimant applied through the internet for FAP benefits on February 15, 2013.
- On February 15, 2013, an Appointm ent Notice was mailed to Claimant scheduling him for an appointment with hi s specialist on 2/20/13 at 11am. A Verification Checklist was als o ma iled to Claima nt requesting a current statement from his bank of his savings account/Christmas/ or Club account was requested, as well as the complet ion of a DHS 20, Verification of Assets, with a due date of 2/25/13.
- 3. On February 20, 2013, the department emailed Claimant asking Claimant to return their call if he still need ed assistance. A Notice of Missed Interview was also mailed to Claimant informing him that it was his responsibility to contact the department before 3/17/13 or his application would be denied.

- 4. On March 18, 2013, t he department maile d Claimant a Notice of Case Action informing his FAP applic ation had been denied for faili ng to complete the interview requirement.
- 5. On April 17, 2013, t he department received Clai mant's hearing request protesting the denial of FAP benefits.

# CONCLUSIONS OF LAW

Department policies are contained in the Br idges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) program] is established by the Food Stamp Act of 1977, as amend ed, and is implemented by the federal regulations contained in Title 7 of the Code of Feder al Regulations (CFR). The Department (formerly known as the Fam ily Independence Agency) administers FAP pursuant to MCL 400.10, *et seq* ., and Mich Admin Code, R 400.3001 through R 400.3015.

Claimant initially testified that when he completed the on- line application he gave hi s parent's address of 6123 No rburn Way, Lansing, MI 48910. The address the department had on file for CI aimant was 235 S. Grand Av e., Lansing, MI 48910. Claimant denied ever wr iting that address on his applic ation and added that he had no idea what that was the address too, unless it was the DHS office itself. The department representative testified and pr ovided a copy of the application showing Claim ant wrote "homeless" under address and then the address of 235 S. Grand Ave., Lansing, MI 48910. Claimant then stated that he is homeless and would on ly have written the 235 S. Grand Ave., Lansing, MI 48190 address if he was told to do so by a worker when he was completing the application.

The email address is the department init ially emailed Claimant at was Claimant stated that the email address he uses for business is purposes is and the department h ad it wrong. The departmental representative test ified and provided a copy of the applic ation showing Claimant provided an email address of

In this case, Claimant denied ev er receiving any notifications from the department and testified that he had gone in per son to the DHS office and left several messages for his case worker to call him back. Claimant sugges ted checking the DHS office log to prove he had been at the office and had left mess ages that were not returned. When Claimant was informed a check of the log would be performed, Claimant stated that he did not sign in the first time, and the second time he was approached by a security guard and may only have initialed the sign-i n log. When questi oned, Claimant was unable to name his assigned case worker and unable to locate the telephone number for him, stating he was unprepared for the is hearing because he had purchased a n ew telephone and the alarms were not set to remind him of meetings.

Based on the documentation provided, and Claim ant's inability to present proof of his claims, the department is affirmed.

# **DECISION AND ORDER**

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, finds that the Department did act properly when it denied Claim ant's FAP application for failure to complete the interview requirement.

Accordingly, the Department's FAP decision is **AFFIRMED**.

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Vicki L. Armstrong Administrative Law Judge for Maura Corrigan, Director Department of Human Services

Date Signed: May 31, 2013

Date Mailed: May 31, 2013

**NOTICE:** Michigan Administrative Hearing Syst em (MAHS) 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 Dec ision and Order. MAHS will not or der a rehearing or reconsideration on the Department's mo tion where the final decis ion cannot be implemented within 90 days of the filing of the original request. (60 days for FAP cases)

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 ti mely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing <u>MAY</u> be granted if there is newly discovered evid ence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
  - misapplication of manual policy or law in the hearing decision,
  - typographical errors, mathematical erro r, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
  - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at Michigan Administrative Hearings

Recons ideration/Rehearing Request

P. O. Box 30639 Lansing, Michigan 48909-07322



