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

### IN THE MATTER OF:



Reg. No.: 201350803

Issue No.: 3008

Case No.: Hearing Date: July 3, 2013

County: Kent

ADMINISTRATIVE LAW JUDGE: C. Adam Purnell

# **HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on July 3, 2013 from Lansing, Michigan. Claimant personally appeared and provided testimony. Participants on behalf of the Department of Human Services (Department) included (Assistance Payments Worker).

# ISSUE

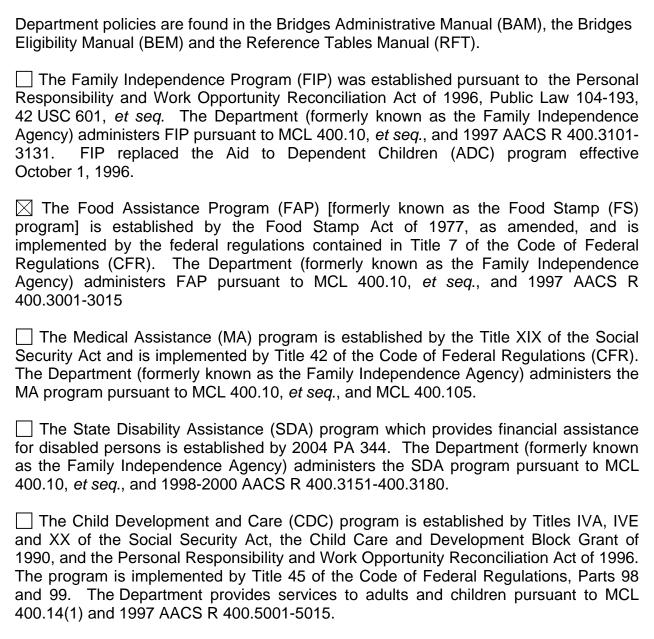
Due to a failure to comply with the verification requirements, did the Department properly deny Claimant's application for Food Assistance Program (FAP) benefits?

## FINDINGS OF FACT

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

- 1. Claimant applied for FAP.
- 2. On May 7, 2013, the Department mailed Claimant an Appointment Notice (DHS-170) which scheduled a telephone interview for May 13, 2013 at 9:00a.m.
- 3. On May 13, 2013, the Department mailed Claimant a Notice of Missed Interview.
- 4. On May 21, 2013, the Department sent Claimant a notice of case action denying her FAP application.
- 5. On May 31, 2013, Claimant filed a hearing request, protesting the denial of Claimant's application.

# **CONCLUSIONS OF LAW**



Here, the Department mailed Claimant a document that purportedly scheduled a telephone interview but the document was ambiguous. The appointment notice indicated that the Department would call Claimant for the telephone interview, but the Department worker testified that she did not call Claimant at the scheduled time. The Department may not deny an application for failure to return verifications when it was the Department who was responsible for the missed telephone interview. BAM 130 provides "the department worker must tell the client what verification is required, how to obtain it, and the due date."

Based upon the above Findings of Fact and Conclusions of Law, the Administrative Law Judge concludes that the Department improperly denied Claimant's application.

# **DECISION AND ORDER**

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, finds that the Department did not act properly.

Accordingly, the Department's decision is **REVERSED**.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

- 1. If necessary, the Department must initiate a reprocessing and recertification of Claimant's April 22, 2013 FAP application.
- 2. The Department shall provide Claimant with retroactive FAP benefits back to April 23, 2013 to the extent required by policy.

/s/\_\_\_

C. Adam Purnell Administrative Law Judge for Maura Corrigan, Director Department of Human Services

Date Signed: July 3, 2013

Date Mailed: July 5, 2013

**NOTICE:** Michigan Administrative Hearing System (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 Decision and Order. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision 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 timely 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 evidence 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 error, or other obvious errors in the hearing decision that affect the substantial rights of the claimant,

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• 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
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

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