

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

**IN THE MATTER OF:**

██████████  
██████████████████  
██████████████████████████████

Reg. No.: 2014-2975  
Issue No(s): 3019  
Case No.: ██████████  
Hearing Date: November 7, 2013  
County: SSPC-EAST (98)

**ADMINISTRATIVE LAW JUDGE:** Zainab Baydoun

**HEARING DECISION**

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a three way telephone hearing was held on November 7, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, Assistance Payment Supervisor and ██████████ k, Eligibility Specialist.

**ISSUE**

Did the Department properly  deny Claimant's application  close Claimant's case for:

- |  |   |
|--|---|
| <input type="checkbox"/> Family Independence Program (FIP)?                  | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input checked="" type="checkbox"/> Food Assistance Program (FAP)?<br>(CDC)? | <input type="checkbox"/> Child Development and Care         |
| <input type="checkbox"/> Medical Assistance (MA)?<br>(DSS)?                  | <input type="checkbox"/> Direct Support Services            |
| <input type="checkbox"/> Adult Medical Assistance (AMP)?                     | <input type="checkbox"/> State SSI Payments (SSP)?          |

**FINDINGS OF FACT**

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

1. Claimant  applied for  received:  
 FIP  FAP  MA  AMP  SDA  CDC  DSS  SSP  
benefits.

2. On September 16, 2013, the Department  denied Claimant's application  closed Claimant's case due to a failure to meet FAP interview requirements.
3. On September 16, 2013, the Department sent Claimant an Application Notice informing him of its decision.
4. On October 1, 2013, Claimant filed a hearing request, protesting the Department's actions.

### **CONCLUSIONS OF LAW**

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

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 271.1 to 285.5. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10 and Mich Admin Code, R 400.3001 to .3015.

Additionally, the Department is to conduct an interview at application for FAP before approving benefits. BAM 115 (July 2013), p. 19. Applicants are required to participate in the FAP interview process. If a client misses an interview appointment, the Department will send a Notice of Missed Interview, advising the client that it is now the client's responsibility to request another interview date. It sends a notice only after the first missed interview. If the client calls to reschedule, the Department is to set the interview prior to the 30th day, if possible. If the client fails to reschedule or misses the rescheduled interview, the Department will deny the application on the 30th day. BAM 115, p.22.

In this case, in connection with his FAP application submitted on [REDACTED], the Department sent Claimant an Appointment Notice informing him that he was to call the Department on [REDACTED].m. for his scheduled FAP interview. (Exhibit 1, p.4). The Department stated that because Claimant did not list a telephone number on his application, it requested that Claimant contact the Department on the date and time set for the interview. The Department testified that because it did not receive a phone call from Claimant for his scheduled interview, it sent Claimant a Notice of Missed Interview, which instructed Claimant to contact the Department to have his interview rescheduled before [REDACTED] or his application would be denied. (Exhibit 1, p. 7). The Department stated that it received a call from Claimant and that the call was returned, but that the Department was unable to leave a message for Claimant, as the voicemail had not been set up yet. The Department further testified that on [REDACTED] 3, it sent Claimant an Application Notice informing him that his FAP application had been denied on the basis that he did not complete the FAP interview requirement. (Exhibit 1, p.8).

At the hearing, Claimant credibly testified that he called the Department for his scheduled FAP interview on [REDACTED] a.m. Claimant provided the telephone number from which he called the Department for the interview and at the hearing, the telephone logs from [REDACTED] were reviewed. The Department acknowledged that a phone call was received on [REDACTED] at 10:44 a.m. from the phone number provided by Claimant.

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it denied Claimant's FAP application based on a failure to meet the interview requirements, as Claimant did contact the Department on the date and time scheduled for his interview .

**DECISION AND ORDER**

Accordingly, the Department's decision is REVERSED.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Register and reprocess Claimant's [REDACTED], FAP application;
2. Issue supplements to Claimant for any FAP benefits that he was eligible to receive but did not from [REDACTED] ongoing; and
3. Notify Claimant of its decision in writing.



**Zainab Baydoun**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: November 12, 2013

Date Mailed: November 12, 2013

**NOTICE OF APPEAL:** 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

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

ZB/tm

cc: [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]