

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-43853
Issue No.: 3019
Case No.: [REDACTED]
Hearing Date: May 30, 2013
County: DHS-SSPC Central

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

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 3-way telephone hearing was held on May 30, 2013, from Lansing, Michigan. Claimant appeared by telephone and provided testimony. Participants on behalf of Department of Human Services (Department) included Assistance Payment Supervisor [REDACTED]

ISSUE

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

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 through the internet for FAP benefits on February 15, 2013.
2. On February 15, 2013, an Appointment Notice was mailed to Claimant scheduling him for an appointment with his specialist on 2/20/13 at 11am. A Verification Checklist was also mailed to Claimant requesting a current statement from his bank of his savings account/Christmas/ or Club account was requested, as well as the completion 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 needed 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, the department mailed Claimant a Notice of Case Action informing his FAP application had been denied for failing to complete the interview requirement.
5. On April 17, 2013, the department received Claimant's hearing request protesting the denial of FAP benefits.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges 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 amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family 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 his parent's address of 6123 Northburn Way, Lansing, MI 48910. The address the department had on file for Claimant was 235 S. Grand Ave., Lansing, MI 48910. Claimant denied ever writing that address on his application 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 provided a copy of the application showing Claimant 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 only 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 the department initially emailed Claimant at was [REDACTED]. Claimant stated that the email address he uses for business purposes is [REDACTED] and the department had it wrong. The departmental representative testified and provided a copy of the application showing Claimant provided an email address of [REDACTED].

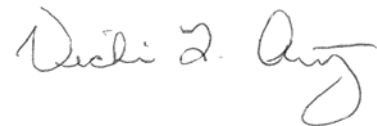
In this case, Claimant denied ever receiving any notifications from the department and testified that he had gone in person to the DHS office and left several messages for his case worker to call him back. Claimant suggested checking the DHS office log to prove he had been at the office and had left messages 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-in log. When questioned, Claimant was unable to name his assigned case worker and unable to locate the telephone number for him, stating he was unprepared for this hearing because he had purchased a new telephone and the alarms were not set to remind him of meetings.

Based on the documentation provided, and Claimant'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 Claimant's FAP application for failure to complete the interview requirement.

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



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 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 **MAY** 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 effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

2013-43853/VLA

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

VLA/las

cc:

