

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 201352028  
Issue No.: 3008  
Case No.: [REDACTED]  
Hearing Date: July 10, 2013  
County: SSPC-EAST (#98)

**ADMINISTRATIVE LAW JUDGE: MICHELLE HOWIE**

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's June 11, 2013 request for a hearing. After due notice, a telephone hearing was conducted on Wednesday, July 10, 2013, from Detroit, Michigan. The Claimant appeared by telephone and testified. Participants on behalf of Department of Human Services (Department) included [REDACTED] (Department Manager) and [REDACTED] (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"/> Adult Medical Assistance (AMP)?    |
| <input checked="" type="checkbox"/> Food Assistance Program (FAP)? | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input type="checkbox"/> Medical Assistance (MA)?                  | <input type="checkbox"/> Child Development and Care (CDC)?  |

**FINDINGS OF FACT**

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

1. On March 4, 2013, Claimant  applied for benefits  received benefits for:

- |  |   |
|--|---|
| <input type="checkbox"/> Family Independence Program (FIP).        | <input type="checkbox"/> Adult Medical Assistance (AMP).    |
| <input checked="" type="checkbox"/> Food Assistance Program (FAP). | <input type="checkbox"/> State Disability Assistance (SDA). |
| <input type="checkbox"/> Medical Assistance (MA).                  | <input type="checkbox"/> Child Development and Care (CDC).  |

2. On , April 3, 2013, the Department  denied Claimant's application  closed Claimant's case due to failure to complete the interview.
3. On April 3, 2013, the Department sent  Claimant notice of the  denial.  closure.
4. On June 11, 2013 Claimant filed a hearing request, protesting the  denial of the application.  closure of the case.

### **CONCLUSIONS OF LAW**

The Department of Human Services (DHS) 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 1999 AC, R 400.3001 through Rule 400.3015.

In determining eligibility for FAP benefits an interview is required before benefits will be approved by the Department. The interview must be held by the 20<sup>th</sup> day after the application date to allow the client at least 10 days to provide verifications by the 30<sup>th</sup> day. BAM 115 (July 2013), p. 18. If the client misses the interview appointment a Notice of Missed Interview is sent informing client of the responsibility to request another interview date. If a client fails to reschedule, or misses the rescheduled interview the application will be denied. BAM 115 The Department will not deny a FAP application if the client has not participated in the initial interview until the 30th day after the application date **even** if the client returned all verifications. BAM 115

In this case, the Department sent notice on March 6, 2013 scheduled a telephone interview appointment for March 14, 2013. Claimant received the notice but was unavailable for the scheduled interview when the worker called. As a result, the Department sent a Notice of Missed Interview. Claimant testified that he made two unsuccessful attempts after the interview date to contact the worker. The Notice of Missed Interview required Claimant to reschedule the interview **before April 3, 2013**, or the application would be denied. This was not done. Policy requires than an interview is conducted prior to approving a client for FAP benefits. An interview was not held in this case. Therefore the Department was unable to approve the FAP benefits. The Department established it acted in accordance with policy when it denied Claimant's application for FAP benefits.

Accordingly, the Department's action is UPHeld.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department  did act properly when it denied the application for FAP benefits.

Accordingly, the Department's  AMP  FIP  FAP  MA  SDA  CDC decision is hereby,  **AFFIRMED**.

*M. Howie*

**Michelle Howie**  
Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

Date Signed: 7/19/2013

Date Mailed: 7/19/2013

**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.

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

MH/hw

cc:

