

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

**IN THE MATTER OF:**



Reg. No.: 2014-32142  
Issue No(s): 3001  
Case No.: [REDACTED]  
Hearing Date: April 14, 2014  
County: SSPC-East

**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 April 14, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], 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 the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On February 6, 2014, Claimant submitted an application for FAP benefits.
2. On March 6, 2014, the Department sent Claimant a Notice of Case Action informing him that his application had been denied on the basis that Claimant requested his assistance be stopped. (Exhibit 1, pp.6-11)
3. On March 18, 2014, Claimant submitted a hearing request disputing 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), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

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.

Claimant submitted an application for FAP benefits on February 6, 2014. The Department testified that it made an attempt to contact Claimant for an initial interview in connection with his FAP application, however, Claimant did not answer and a voicemail was left for Claimant to contact the Department. The Department stated that on March 6, 2014, it made another attempt to contact Claimant for a FAP telephone interview and left a voicemail for Claimant to contact the Department. The Department further testified that Claimant did contact the Department on March 6, 2014, and that an interview was conducted. The Department stated that during the interview, Claimant informed the Department that he had moved and that all of the information he submitted with his application had changed. The Department testified that Claimant verbally withdrew his application and stated he would reapply. On March 6, 2014, the Department sent Claimant a Notice of Case Action informing him that his application had been denied on the basis that Claimant requested his assistance be stopped. (Exhibit 1, pp.6-11).

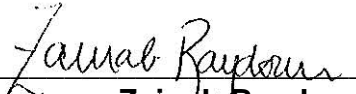
At the hearing, Claimant confirmed that he had an interview with the Department on March 6, 2014. Claimant stated that he missed his initial FAP telephone interview because he moved and was away at training for his job. Claimant confirmed that he informed the Department he would withdraw his application and reapply, but stated that he was told by his case worker to do so.

According to BAM 110, a person may withdraw an application at any time before it is disposed. The Department sends a Notice of Case Action to the client and the client may reapply any time. BAM 110 (January 2014), p. 18.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that because Claimant confirmed that he informed his case worker he would like to withdraw his application, the Department acted in accordance with Department policy when it denied Claimant's FAP application. Claimant was informed that he was entitled to submit a new application for FAP benefits and have his eligibility determined.

**DECISION AND ORDER**

Accordingly, the Department's decision is AFFIRMED.

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

Date Signed: April 18, 2014

Date Mailed: April 18, 2014

**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/tlf

cc:

