

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

IN THE MATTER OF:



Reg. No.: 14-001943
Issue No.: 3001
Case No.: [REDACTED]
Hearing Date: JUNE 4, 2014
County: DHS 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 June 4, 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 Worker.

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 March 21, 2014, Claimant submitted an application for FAP benefits.
2. On March 21, 2014, the Department sent Claimant an Appointment Notice informing him that he had an application interview on March 28, 2014 at 9:00 AM. (Exhibit 1, p.2)
3. On March 28, 2014, the Department sent Claimant a Notice of Missed Interview instructing him to contact the Department by April 20, 2014, to have his FAP application interview rescheduled or his application would be denied. (Exhibit 1, p.3)

4. On April 21, 2014, the Department sent Claimant a Notice of Case Action informing him that his FAP application had been denied on the basis that he did not complete the FAP interview requirement. (Exhibit 1, pp.4-8)
5. On May 9, 2014, Claimant requested a hearing 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 273. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, 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 (March 2014), p.18-19. 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 will 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, pp.22-23.

In this case, in connection with his FAP application, the Department testified that it attempted to contact Claimant on March 21, 2014 for an expedited FAP interview and again on March 28, 2014, for his scheduled interview appointment but Claimant was not available. The Department stated that it sent Claimant a Notice of Missed Interview informing him that he had until April 20, 2014, to reschedule the FAP interview or his application would be denied. The Department testified that a conversation was held between the Department and Claimant on April 3, 2014, during which the Department informed Claimant that because he was under age 22 and living with his mother, she needed to be included as a FAP group member. The Department stated that it attempted to continue the interview, but was informed by Claimant that he would discuss the situation with his mother and decide if he would like to add her on his case or withdraw his application. The Department testified that because it did not receive any communication from Claimant prior to April 20, 2014, it sent him a Notice of Case Action denying the application on the basis that he did not complete the interview requirement.

At the hearing, Claimant confirmed that he did have a conversation with the Department and that he informed the Department that he would contact his worker after he spoke to his mother. Claimant testified that he called the Department prior to April 20, 2014, but was unable to reach any one from the Department. Claimant further confirmed that he did not leave any messages for the Department concerning the rescheduling of the FAP interview and could not recall exactly when he contacted the Department.

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 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 and have his eligibility to receive FAP benefits determined.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.



Zainab Baydoun

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

Date Signed: **6/11/2014**

Date Mailed: **6/11/2014**

ZB / tlf

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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

cc:

