

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-003705
Issue No.: FAP
Case No.: [REDACTED]
Hearing Date: July 9, 2014
County: DHS SSPC Central

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 telephone hearing was held on July 9, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] [REDACTED] the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED] [REDACTED] Hearing Facilitator.

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP) benefits case because the required interview had not been completed?

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 April 23, 2014, Claimant applied for FAP.
2. Claimant was provided with notice of an appointment scheduled for April 30, 2014 for a telephone interview.
3. Claimant missed the April 30, 2014 appointment and was mailed a Notice of Missed Interview.
4. On May 23, 2014, a Notice of Case Action was issued to Claimant stating the FAP case was approved for \$ [REDACTED] for part of the month of April 2014 and \$347 for May 2014.

5. On May 28, 2014, a Notice of Case Action was issued to Claimant stating the FAP case would close effective June 1, 2014 based on the failure to complete the interview requirement.
6. On June 3, 2013, Claimant filed a hearing request contesting the Department's action.

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, a Claimant must cooperate with the local office in determining initial and ongoing eligibility, including completion of necessary forms, and must completely and truthfully answer all questions on forms and in interviews. BAM 105.

An interview is required at application before approving benefits for FAP benefits. Further, if clients miss an interview appointment, Bridges sends a DHS-254, Notice of Missed Interview, advising them that it is **the clients'** responsibility to request another interview date. It sends a notice only after the **first** missed interview. If the client calls to reschedule, set the interview prior to the 30th day, if possible. If the client fails to reschedule or misses the rescheduled interview, the Department is to deny the application on the 30th day. BAM 115 (emphasis in original).

In this case, the Claimant applied for FAP on April 23, 2014. On April 24, 2014, the Department mailed Claimant an Appointment Notice regarding the telephone interview appointment scheduled for April 30, 2014. On April 25, 2014, the Department also left Claimant a phone message. On April 30, 2014, the Department called Claimant at the scheduled appointment time without success and a message was left. Further, on April 30, 2014 an email was sent to Claimant and a Notice of Missed Interview was mailed to Claimant. The Notice of Missed Interview stated it was Claimant's responsibility to reschedule the interview before May 23, 2014. The Hearing Facilitator testified Claimant never contacted the Department to reschedule the missed telephone interview for his April 2014 FAP application.

The Hearing Facilitator explained that the May 23, 2014 Notice of Case Action issued to Claimant stating the FAP case was approved for \$ [REDACTED] for part of the month of April 2014

and \$ [REDACTED] for May 2014 was an error. The print out of the Case Comments-Summary also shows that the worker had intended to deny Claimant's FAP application. Accordingly, on May 28, 2014, a Notice of Case Action was issued to Claimant stating the FAP case would close effective June 1, 2014 based on the failure to complete the interview requirement.

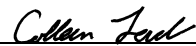
Claimant testified that he only received a voicemail, but not the actual phone call. While this ALJ understands that cell phone issues do occur from time to time, there is no evidence that Claimant timely contacted the Department to have the phone interview re-scheduled. Rather, the evidence indicates that Claimant re-applied for FAP in June 2014 and completed a phone interview on June 30, 2014 for this newer application. As discussed on the record, the request for verifications that was pending at the time of the July 9, 2014 telephone hearing related to the June 2014 FAP application.

The evidence was sufficient to establish that the initial approval of Claimant's April 2014 FAP application was in error as the required interview had not been completed. Further, there was no evidence that Claimant contacted the Department to have the missed interview rescheduled before May 23, 2014. Accordingly, the determination to close that FAP case must be upheld.

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 closed Claimant's FAP benefits case because the required interview had not been completed.

DECISION AND ORDER

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



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

Date Signed: **7/16/2014**

Date Mailed: **7/16/2014**

CL/hj

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:

