

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

IN THE MATTER OF:



Reg. No.: 14-005990
Issue No.: 3001
Case No.: [REDACTED]
Hearing Date: July 31, 2014
County: DHS SSPC-WEST

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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, telephone hearing was held on Thursday, July 31, 2014, from Lansing, Michigan. Participants on behalf of Claimant included the Claimant and his [REDACTED] and authorized representative, [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED] HF.

ISSUE

Due to a failure to comply with the verification requirements, did the Department properly deny Claimant's application for:

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

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, including testimony of witnesses, finds as material fact:

1. Claimant applied for: FAP benefits.
2. The Claimant was required to submit to an telephone interview by May 30, 2014 at 4 p.m.
3. On June 16, 2014, the Department denied Claimant's application.

4. On June 16, 2014, the Department sent Claimant/Claimant's Authorized Representative (AR) notice of its action.
5. On June 24, 2014, Claimant/Claimant's Authorized Hearing Representative (AHR) filed a hearing request, protesting 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), and Department of Human Services Reference Tables Manual (RFT).

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 Claimant applied for FAP on May 15, 2014. On [REDACTED], the Department Caseworker sent the Claimant an Appointment Notice, for a telephone interview on [REDACTED]. Department Exhibit 9. The Department Caseworker called the Claimant, but he failed to answer the phone and no message could be left on the phone. Department Exhibit 7. On [REDACTED], the Department Caseworker sent the Claimant a Notice of Missed Interview, DHS 254, stating that the Claimant had missed the appointment and it was his responsibility to reschedule the appointment before [REDACTED] or his FAP application would be denied. Department Exhibit 10. As a result, the Department Caseworker sent the Claimant a notice that FAP would be denied for failure to complete the interview requirement on [REDACTED]. Department Exhibit 11-12. BEM 100 and 105. BAM 110, 115, and 600.

Subsequently, the Claimant completed his FAP intake interview on [REDACTED] and his case was re-registered effective [REDACTED], which was his date of compliance. On [REDACTED], the Claimant's FAP benefits were approved and he was mailed a notice of case action that his ongoing FAP benefits were going to be \$ [REDACTED] effective [REDACTED]. Department Exhibit 13.

The Claimant was approved for Social Security benefits of [REDACTED] of \$ [REDACTED] and State Supplement of \$ [REDACTED]. After deductions from his gross income of \$ [REDACTED] of a \$ [REDACTED] standard deduction for an adjusted gross income of \$ [REDACTED]. The Claimant was given a total shelter deduction of \$ [REDACTED] resulting from a housing expense of \$ [REDACTED] and a telephone standard of \$ [REDACTED]. The Claimant was given an adjusted excess shelter deduction of \$ [REDACTED] with a total shelter deduction of \$ [REDACTED] minus 50% of adjusted gross income of \$ [REDACTED]. The Claimant had a net income of \$ [REDACTED] which was the adjusted gross income of \$ [REDACTED] minus the excess shelter deduction of \$ [REDACTED]. With a net income of \$ [REDACTED] the Claimant

qualified with a household group size of 1 for a maximum benefit of \$ [REDACTED] plus \$ [REDACTED] in economic recovery minus 30% of net income of \$ [REDACTED] resulting in a net FAP benefit amount of \$ [REDACTED] Department Exhibit a-d.

The Department met their burden that the Claimant's FAP case should be denied because the Claimant failed to complete the FAP intake interview within 30 days of the his application, but subsequently participated and determined eligibility for FAP benefits.

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 the Claimant's FAP application because he did not complete the required FAP intake interview within 30 days, but subsequently participated and determined eligibility for FAP benefits.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.



Carmen G. Fahie
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **8/5/2014**

Date Mailed: **8/6/2014**

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 Claimant;
- 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

CGF/tb

cc:

