

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 201414320  
Issue No.: [REDACTED]  
Case No.: [REDACTED]  
Hearing Date: January 8, 2014  
County: SSPC West

**ADMINISTRATIVE LAW JUDGE:** Gary F. Heisler

**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 January 8, 2014, from Lansing, Michigan. Claimant appeared and testified. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

**ISSUE**

Did the Department properly deny Claimant's October 16, 2013, Food Assistance Program (FAP) application on November 15, 2013?

**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 October 16, 2013, Claimant submitted an application for Food Assistance Program (FAP) benefits. Claimant was sent an Appointment Notice (DHS-170) for a telephone interview on October 23, 2013.
2. On October 23, 2013, Claimant did not participate in a telephone interview. Claimant was sent a Notice of Missed Appointment (DHS-254) form. The form stated it was Claimant's responsibility to reschedule the interview before November 15, 2013, or his application would be denied.
3. On October 29, 2013, Claimant left a telephone message for the DHS case worker. The worker's effort to call Claimant was unsuccessful.
4. On November 15, 2013, the interview which is required for Food Assistance Program (FAP) eligibility had not been conducted. Claimant was sent a Notice of Case Action (DHS-1605) which stated his application was denied.

5. On November 19, 2013, the application was re-registered and processed in accordance with Department of Human Services Bridges Administration Manual (BAM) 115 (2013).
6. On November 25, 2013, Claimant submitted a request for hearing.

### **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 does not dispute receiving the October 23, 2013 Notice of Missed Appointment (DHS-254) form or that no interview had occurred on November 15, 2013. Claimant testified that his schedule was really busy and there were some power outages at his apartment. When specifically asked Claimant testified that he has a cell phone. When specifically asked Claimant testified that the message he left for the DHS worker was only a request to reschedule the interview. Claimant testified that he did not leave a reschedule request for a specific date and time.

There is no evidence in this record showing that reasons beyond Claimant's control prevented him from participating in an interview before November 15, 2013.

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 October 16, 2013 Food Assistance Program (FAP) application on November 15, 2013.

### **DECISION AND ORDER**

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

/s/ \_\_\_\_\_  
Gary F. Heisler  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: 01/10/2014

Date Mailed: 01/13/2014

**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

GFH/sw

cc:

