

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201423386
Issue No.: 3002
Case No.: [REDACTED]
Hearing Date: February 13, 2014
County: Kent

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, February 13, 2014, from Lansing, Michigan. Participants on behalf of Claimant included the Claimant, her daughter, [REDACTED], and a Spanish language interpreter from [REDACTED], [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED], FIM and [REDACTED], ES.

ISSUE

Due to a failure to comply with the verification requirements, did the Department properly deny Claimant's application for Food Assistance Program (FAP) benefits?

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. Claimant was required to submit to an in-person interview by January 9, 2014.
3. On January 9, 2014, the Department denied Claimant's application.
4. On January 9, 2014, the Department sent Claimant notice of its action.
5. On January 16, 2014, Claimant 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 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.

Additionally, the Claimant applied for FAP on December 10, 2013. Department Exhibit 2-37. The Department Caseworker was unsuccessful in reaching the Claimant by phone. Department Exhibit 42. On December 11, 2013, the Department Caseworker sent the Claimant an Appointment Notice, for an in-person interview to be held on December 18, 2013. Department Exhibit 38-40. The Claimant failed to attend the appointment. On December 18, 2013, the Department Caseworker sent the Claimant a Notice of Missed Interview (DHS-254), stating that the Claimant had missed the appointment and it was her responsibility to reschedule the appointment before January 9, 2014 or her FAP application would be denied. Department Exhibit 41. The Claimant did not reschedule the mandatory interview by January 9, 2014. As a result, the Department Caseworker sent the Claimant a notice that her FAP application would be denied for failure to complete the interview requirement. Department Exhibit 43-49. BEM 100 and 105. BAM 105, 110, 115, 130, 205, 210, 220, and 600.

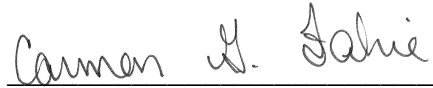
The Department met their burden by proving that the Claimant's FAP application should be denied because the Claimant failed to submit to the required interview to determine FAP eligibility.

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 for failure submit to the required interview to determine FAP eligibility.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

IT IS SO ORDERED.



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

Date Signed: February 20, 2014

Date Mailed: February 20, 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

201423386/CGF

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/aca

cc:

