

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

**IN THE MATTER OF:**

[REDACTED]

MAHS Reg. No.: 15-020032  
Issue No.: 3001  
Agency Case No.: [REDACTED]  
Hearing Date: December 22, 2015  
County: Kent-District 1

**ADMINISTRATIVE LAW JUDGE:** Gary Heisler

**HEARING DECISION**

Following Petitioner'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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on December 22, 2015, from Lansing, Michigan. The Claimant was represented by himself and [REDACTED]. The Department of Health and Human Services (Department) was represented by Family Independence Manager [REDACTED].

**ISSUE**

Did the Department properly deny Claimant's August 27, 2015, Food Assistance Program (FAP) application?

**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 August 27, 2015, Claimant submitted an online application for Food Assistance Program (FAP) benefits. Claimant provided two telephone numbers on the application. The application did not indicate that Claimant was residing in a shelter or home and did not identify an authorized representative (AR).
2. On August 31, 2015, Claimant was sent an Appointment Notice (DHS-170) which scheduled a required telephone interview for September 8, 2015 at 9:00 am.
3. On September 8, 2015 at 9:00 am the Department case worker was unable to contact Claimant at either of the two telephone numbers provided in his application. Claimant was sent a Notice of Missed Interview (DHS-254) which stated it was his responsibility to reschedule the required interview by September 26, 2015 or his application would be denied.

4. On September 14, 2015, Claimant submitted an Email requesting the interview be rescheduled for September 21, 2015 at 1:00 pm.
5. On September 14, 2015, Claimant was sent an Appointment Notice (DHS-170) which scheduled the required telephone interview for September 21, 2015 at 1:00 pm.
6. On September 21, 2015 at 1:00 pm the Department case worker was unable to contact Claimant at either of the two telephone numbers provided in his application. Claimant was sent a Notice of Missed Interview (DHS-254) which stated it was his responsibility to reschedule the required interview by September 26, 2015 or his application would be denied.
7. On September 28, 2015, Claimant had not participated in the required interview. Claimant was sent a Notice of Case Action (DHS-1605) which stated his August 27, 2015 Food Assistance Program (FAP) application was denied.
8. On October 23, 2015, Claimant submitted a hearing request.

### **CONCLUSIONS OF LAW**

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and Human Services Emergency Relief Manual (ERM).

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, 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 Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

Bridges Administration Manual (BAM) 115 Application Processing, directs that a regular Food Assistance Program (FAP) application has a Standard of Promptness time limit of 29 calendar days after the application date. BAM 115 also: requires a telephone interview at application before approving benefits; restricts denial of an application for failure to participate in the required interview until 30 days after the application; and that the person interviewed may be a responsible group member or authorized representative (AR). It is undisputed that no interview was conducted by the 30<sup>th</sup> day following the application.

During this hearing C/M [REDACTED] asserted that it is not uncommon for residents to authorize staff members of the residence to speak with Department case workers in order to complete requirements for assistance. BAM 115, cited above, allows an AR to conduct the required interview. Bridges Administration Manual (BAM) 110 Application

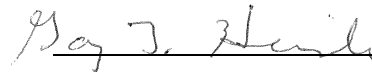
Filing and Registration defines an authorized representative as “a person who applies for assistance on behalf of the client and/or otherwise acts on his behalf.” BAM 110 also specifies that for Food Assistance Program (FAP):

An AR who applies on the group's behalf and/or has access to the group's FAP benefits must be designated in writing by the client, via the DHS-1171, Assistance Application, and/or DHS-247, Request for Food Stamp Authorized Representative.

There is no evidence in the record showing that Claimant designated an authorized representative in accordance with Department policy. 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 August 27, 2015, Food Assistance Program (FAP) application.

### **DECISION AND ORDER**

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



**Gary Heisler**  
Administrative Law Judge  
for Nick Lyon, Director  
Department of Health and Human Services

Date Mailed: **12/23/2015**

GH/las

**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 copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from 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 48909-8139

cc:

