

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

IN THE MATTER OF:

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Reg. No.: 15-005529
Issue No.: 3001
Case No.: ██████████
Hearing Date: June 11, 2015
County: Wayne-District 18 (Taylor)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on June 11, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and her mother, ██████████, who also served as Claimant's Authorized Hearing Representative. Participants on behalf of the Department of Health and Human Services (Department) included ██████████ ██████████ Eligibility Specialist/Hearings Facilitator.

ISSUE

Did the Department properly deny Claimant's application for Food Assistance Program (FAP) benefits?

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 February 18, 2015, Claimant submitted an application for FAP benefits.
2. On February 19, 2015, the Department sent Claimant an Appointment Notice informing her that she had an application telephone interview on March 2, 2015, at 8:45 AM. (Exhibit A)
3. On March 2, 2015, the Department sent Claimant a Notice of Missed Interview instructing her to contact the Department by March 20, 2015, to have her FAP application interview rescheduled or her application would be denied. (Exhibit B)

4. On March 20, 2015, the Department sent Claimant a Notice of Case Action informing her that her FAP application was denied on the basis that she failed to complete the interview requirement. (Exhibit D)
5. On April 1, 2015, Claimant submitted a hearing request disputing the Department's actions.

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.

Additionally, the Department is to conduct an interview at application for FAP before approving benefits. BAM 115 (January 2015), p.18-19. Applicants are required to participate in the FAP interview process. If a client misses an interview appointment, the Department will send a Notice of Missed Interview, advising the client that it is now the client's responsibility to request another interview date. It sends a notice only after the first missed interview. If the client calls to reschedule, the Department will set the interview prior to the 30th day, if possible. If the client fails to reschedule or misses the rescheduled interview, the Department will deny the application on the 30th day. BAM 115, pp.22-23. The Department is not to deny an application if the client has not participated in a scheduled interview until the 30th day after the application date. BAM 115, p.17,23.

In this case, the Department testified that on February 19, 2015, and February 20, 2015, Claimant's case worker made two attempts to contact Claimant for an interview with no answer from Claimant. On February 23, 2015, the Department contacted Claimant for a third attempt and briefly spoke to Claimant, however, the phone hung up. Claimant returned the Department's call the morning of February 23, 2015, but the Department could not complete the interview because the phone disconnected again. The Department provided case comments summary in support of its testimony. (Exhibit C).

The Department stated that Claimant's case worker called Claimant on March 2, 2015, for her scheduled interview appointment and Claimant did not answer. The Department

testified that because there was no contact from Claimant by the March 20, 2015, date listed on the Notice of Missed Interview, it sent Claimant a Notice of Case Action informing her that her application was denied. (Exhibit B, Exhibit C, and Exhibit D).

At the hearing, Claimant testified that she did not receive the Appointment Notice informing her of the scheduled application interview. The Department stated that the Appointment Notice was sent to Claimant at the address listed on her application. The Department reviewed the application at the hearing and stated that the application did not include a house number and only had street name, city and zip code listed. A review of the Appointment Notice indicates that it was sent to Claimant to her address, but no house number was included on the Notice. (Exhibit A). Claimant and her mother stated that at some point, they spoke with Claimant's case worker to have the address corrected.

Although Claimant established that she likely did not receive the Appointment Notice, Claimant confirmed receiving the Notice of Missed Interview and the Notice of Case Action. Claimant stated that in response to the Notice of Missed Interview, she contacted the Department via telephone to reschedule the interview but did not get a phone call back from her case worker. Claimant and her mother testified that they went to the local office after receiving the Notice of Missed Interview to speak with Claimant's case worker because they were not getting a response by phone, but the case worker would not see them. Claimant and her mother both could not recall the dates in which attempts were made to contact the case worker to reschedule the interview via telephone or the dates in which they went to the local Department office. Claimant also confirmed that she was having problems with her phone during the period at issue. Claimant and her mother provided conflicting testimony at the hearing and thus did not present sufficient evidence to establish that after receiving the Notice of Missed Interview, Claimant made adequate efforts to have her application interview rescheduled.

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 FAP application.

DECISION AND ORDER

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



Zainab Baydoun
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **6/16/2015**

Date Mailed: **6/16/2015**

ZB / tlf

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.

