

**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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MAHS Reg. No.: 15-020714
Issue No.: 3002
Agency Case No.: ██████████
Hearing Date: January 06, 2016
County: WAYNE-DISTRICT 57

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 hearing was held on January 6, 2015, from Detroit, Michigan. The Petitioner appeared pro se. The Department of Health and Human Services (Department) was represented by ██████████ ██████████, Family Independence Manager.

ISSUE

Did the Department properly deny Petitioner's 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. Petitioner applied for FAP benefits on August 24, 2015.
2. On September 11, 2015, Petitioner was sent a DHS-3503, Verification Checklist (VCL).
3. Petitioner did not respond to this checklist.
4. Petitioner had a change of address on September 3, 2015, but did not update her address with the Department.
5. Petitioner did not receive the VCL as a result.
6. Petitioner missed an interview for her application held on September 1, 2015.

7. On September 22, 2015, Petitioner's FAP application was denied for failing to return a VCL and for failing to attend an interview.
8. On November 6, 2015, Petitioner requested a hearing.

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.

In this case, Petitioner failed to properly respond to a request for verification and interview, and was thus properly denied.

DHS clients may be required to provide additional information in order to determine eligibility; failure to respond to a request for additional information can result in application denial. BAM 130 (2015).

In the current case, Petitioner failed to respond to a VCL sent on September 11, 2015. While this VCL was sent to the wrong address, the Administrative Law Judge finds that the Department was blameless for the mistake in question.

By Petitioner's own admission, she changed addresses on September 3, 2015; Petitioner did not inform the Department of the change. The Department sent the VCL to the address on file, which was correct as far as it knew. The fact that the VCL was sent to the wrong address was a direct result of the Petitioner's failure to update her address with the Department, and not Department error.

The undersigned must judge every case with regard to whether the Department acted properly using the information it had, or should have had, at the time of the action in question.

The Department had the address Petitioner gave in her application for benefits. The Department had no reason to suspect an address change.

As such, the Department's actions in sending the VCL to the Petitioner were reasonable and correct. The failure to receive the VCL was the fault of the Petitioner; as such, it stands to reason that the failure to respond was also the fault of the Petitioner.

Because Petitioner failed to respond to the VCL, and failed to give reasons as to why the request for information was not legitimate, the Department correctly denied Petitioner's application for benefits.

Furthermore, Petitioner, by her own admission failed to attend a required interview. Interviews are required as a condition of FAP eligibility. BAM 115 (2015). Petitioner gave no reason for missing the interview. Therefore, Petitioner's application was rightfully denied for failing to attend the interview.

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 Petitioner's August 24, 2015 FAP application.

DECISION AND ORDER

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



Robert J. Chavez
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **1/20/2016**

Date Mailed: **1/20/2016**

RJC/tm

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:

[REDACTED]
[REDACTED]
[REDACTED]
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