



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
Christopher Seppanen  
Executive Director

SHELLY EDGERTON  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Date Mailed: February 28, 2017  
MAHS Docket No.: 17-000990

[REDACTED]  
[REDACTED]

**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 February 22, 2017, from Lansing, Michigan. Petitioner appeared for the hearing and was represented by his mother, and authorized hearing representative [REDACTED]. The Department was represented by Hearing Facilitator [REDACTED].

**ISSUE**

Did the Department properly deny Petitioner's November 14, 2016 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 November 14, 2016, Petitioner submitted an application for Food Assistance Program (FAP) benefits. His mother was listed as a member of the household but not as a FAP benefit group member. The telephone number provided on the application was [REDACTED] cell phone.
2. On December 2, 2016, Case Worker [REDACTED] called the phone number on the application and left a message. Petitioner was sent an Appointment Notice (DHS-170) which scheduled a telephone application for 8:30 am on December 7, 2016.

3. Between December 7 and 13, 2016 numerous phone messages were left by Petitioner, his mother and Case Worker [REDACTED]. However, an interview for purposes of Petitioner's Food Assistance Program (FAP) eligibility was not achieved.
4. On December 14, 2016, Petitioner's Food Assistance Program (FAP) application was 30 days old and was denied. Petitioner was sent a Notice of Case Action (DHS-1605).
5. On January 19, 2017, Petitioner 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 115 Application Processing provides the following relevant directions:

#### **INTERVIEWS**

##### **FIP, SDA, RCA, CDC and FAP**

The purpose of the interview is to explain program requirements to the applicant and to gather information for determining the group's eligibility.

##### **FAP Only**

Do **not** deny the application if the client has not participated in a scheduled initial interview until the 30th day after the application date **even** if he/she has returned all verifications; see **Scheduling Interviews** for FAP only in this item.

##### **Scheduling Interviews**

##### **FIP, SDA, RCA, CDC and FAP**

Schedule interviews in Bridges promptly to meet the standard of promptness.

For **FAP only** schedule the interview as a telephone appointment **unless** specific policy directs otherwise. The interview must be held by the **20th** day after the application date to allow the client at least 10 days to provide verifications by the 30th day.

Regardless of the efforts made by both Petitioner and the case worker, a Food Assistance Program (FAP) application must be determined within the 30 day Standard of Promptness, in order to comply with Federal Regulations.

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 November 14, 2016 Food Assistance Program (FAP) application.

### **DECISION AND ORDER**

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



*Gary J. Heisler*

**Gary Heisler**

Administrative Law Judge

for Nick Lyon, Director

Department of Health and Human Services

**NOTICE OF APPEAL:** A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; 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

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]