



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: November 6, 2017
MAHS Docket No.: 17-010443
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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; 42 CFR 438.400 to 438.424; 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 September 14, 2017, from [REDACTED] Michigan. The Petitioner was represented by herself and a friend, [REDACTED]. The Department of Health and Human Services (Department) was represented by [REDACTED] Assistance Payments Supervisor and [REDACTED] Eligibility Specialist.

ISSUE

Did the Department properly deny the Petitioner's application for Food Assistance Program (FAP), State Emergency Relief (SER), and State Disability Assistance (SDA)?

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 June 13, 2017, the Petitioner applied for FAP, SER, and SDA. Department Exhibit 1, pgs. 4-10.
2. On June 14, 2017, the Department Caseworker sent the Petitioner an Appointment Notice, DHS 170, for a telephone interview on June 21, 2017 at 10:00 a.m. Department Exhibit 1, pg. 15.
3. On July 13, 2017, the Department Caseworker sent the Petitioner a Notice of Case Action, DHS 1605 that her application for FAP dated June 13, 2017 was denied because she failed to complete the interview process within 60 days of her application. Department Exhibit 1, pgs. 11-14.

4. On June 21, 2017, the Department Caseworker sent the Petitioner a Notice of Missed Interview, DHS 254 that she needed to call and reschedule the interview before July 13, 2017 or her application would be denied. Department Exhibit 1, pg. 16.
5. On August 2, 2017, the Department Caseworker sent the Petitioner an Appointment Notice, DHS 170, for an in-person interview on August 8, 2017 at 1:00 p.m. Department Exhibit 1, pg. 17.
6. On August 3, 2017, the Department received a hearing request from the Petitioner, contesting the Department's negative action.

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.

The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. The Department of Health and Human Services (formerly known as the Department of Human Services) administers the SDA program pursuant to 42 CFR 435, MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Department of Human Services) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

In this case, the Petitioner applied for FAP, SER, and SDA on June 13, 2017. Department Exhibit 1, pgs. 4-10. On June 14, 2017, the Department Caseworker sent the Petitioner an Appointment Notice, DHS 170, for a telephone interview on June 21, 2017 at 10:00 a.m. Department Exhibit 1, pg. 15. On July 13, 2017, the Department Caseworker sent the Petitioner a Notice of Case Action, DHS 1605 that her application for FAP dated June 13, 2017 was denied because she failed to complete the interview process within 60 days of her application. Department Exhibit 1, pgs. 11-14.

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During the hearing, the Department stated that the Petitioner started leaving messages for [REDACTED] after business hours starting on July 21, 2017. However, the notice on June 14, 2017 informed the Petitioner that [REDACTED] was her new case worker not [REDACTED]. The Department Caseworker returned the calls during business hours, but was unable to complete the interview with the Petitioner. On July 24, 2017, the Department Caseworker was able to speak shortly with the Petitioner, but she seemed incoherent and the interview was unable to be completed.

The Petitioner called on August 7, 2017 after hours to cancel the in-person appointment on August 8, 2017. The 60th day for subsequent processing was Friday, August 11, 2017. When the Petitioner cancelled the August 8, 2017, the Department did not send a letter because there was no time and the Department Caseworker did not call the Petitioner again. The Petitioner stated that she receives dialysis 5 days a week for 4 hours. The Department was not aware of this limitation that the Petitioner had and had made several attempts to do the interview required by policy within the 60 days standard of promptness. As a result, the Petitioner is eligible to reapply for benefits with a new application.

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 made several attempts to conduct the required interview within the 60 days standard of promptness from when the application was filed.

DECISION AND ORDER

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



CF/nr

Carmen G. Fahie
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

DHHS

[REDACTED]

Petitioner

[REDACTED]