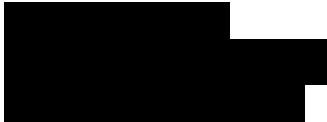




RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR



Date Mailed: March 2, 2018  
MAHS Docket No.: 18-000851  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton**

**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 February 26, 2018, from Detroit, Michigan. The Petitioner was represented by Petitioner. The Department of Health and Human Services (Department) was represented by [REDACTED], Eligibility Specialist.

**ISSUE**

Did the Department properly deny Petitioner's 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, 2017, Petitioner applied for FAP benefits.
2. On December 6, 2017, the Department sent Petitioner an Appointment Notice which scheduled a telephone interview with Petitioner on December 11, 2017 at 10:30 a.m.
3. On December 13, 2017, the Department sent Petitioner a Verification Checklist which requested that Petitioner return proof of rent, social security number for her child, and to contact the Office of Child Support.
4. The requested proofs were due on or before December 26, 2017.

5. On December 14, 2017, the Department sent Petitioner a Food Assistance Application Notice which notified Petitioner that her application had been denied for failure to complete the interview requirement and/or provide the required verification(s).
6. On January 2, 2018, Petitioner provided the requested verification.
7. On January 16, 2018, Petitioner filed a Request for Hearing 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.

In this case, the Department asserted that Petitioner's application for FAP benefits was denied because she missed a required interview and because she failed to verify requested information. Under Department policy, an application for FAP benefits is denied if the client fails to appear for an interview and 30 days has passed since the date of the application. BAM 115 (October 2017), p. 6. In this case, the application date was November 14, 2017. As such, the 30<sup>th</sup> day after the submission of the application occurred on December 14, 2017. The Department denied Petitioner's application for FAP benefits on December 14, 2017.

Petitioner did not appear for the telephone interview on December 11, 2017 but did contact her assigned worker on December 13, 2017 at which time the telephone interview was conducted. Further, the Department stated that Petitioner's application was denied for failure to return verifications. The Department sent Petitioner a VCL on December 13, 2017. The verifications were due on December 26, 2017. However, the Department denied Petitioner's application for FAP benefits on December 14, 2017, prior to the verification due date. The Department conceded it erred in denying Petitioner's application prior to the verification due date. As such, it is found that the Department improperly denied Petitioner's application for FAP benefits.

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 did not act in accordance with Department policy when it denied Petitioner's November 14, 2017 application for FAP benefits.

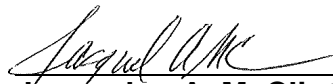
**DECISION AND ORDER**

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reregister and reprocess Petitioner's November 14, 2017 application for FAP benefits;
2. If Petitioner was eligible for supplements, issue FAP supplement's Petitioner was eligible for but did not receive relating to the November 14, 2017 application; and
3. Notify Petitioner in writing of its decision.

JAM/tlf



---

**Jacquelyn A. McClinton**

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

**Via Email:**



**Petitioner – Via First-Class Mail:**

