



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: April 12, 2018
MAHS Docket No.: 18-002352
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Ellen McLemore

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 April 12, 2018, from Detroit, Michigan. Petitioner was present and represented himself. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator.

ISSUE

Did the Department properly deny Petitioner's applications for Food Assistance Program (FAP) benefits and State Emergency Relief (SER) 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 12, 2018, Petitioner applied for FAP and SER benefits (Exhibit A and B).
2. On February 13, 2018, Petitioner was contacted for an interview for his SER and FAP applications.
3. On February 13, 2018, the Department sent Petitioner a Notice of Case Action informing him that his application for FAP benefits was denied (Exhibit D).
4. On February 13, 2018, the Department sent Petitioner a State Emergency Relief Decision Notice informing him that his application for SER benefits was denied (Exhibit E).

5. On February 26, 2018, Petitioner submitted a request for hearing disputing the Department's decision regarding his FAP and SER benefits.

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 submitted an application for FAP and SER benefits on February 12, 2018. On February 13, 2018, the Department contacted Petitioner for an interview regarding both applications.

When completing an application for SER benefits, the in-person interview requirement is waived but a phone interview is required for active applicants. ERM 103 (January 2018), p. 5. In-person interviews are required for persons who are applying for SER services and are not active for another Department program. ERM 103, p. 5. The SER standard of promptness is 10 calendar days, beginning with the date the SER application is received. ERM 103, p. 5. The Department will pend an application if the SER group is cooperating within their ability to provide verifications. ERM 103, p. 5. The Department will deny the SER application if the group does not cooperate. ERM 103, p. 5.

When completing an application for FAP benefits, the Department will conduct an interview before approving benefits. BAM 115 (January 2018), p. 21. If the group is ineligible or refuses to cooperate in the application process, the Department will certify a denial. BAM 115, p. 25.

The Department testified that when Petitioner was contacted for his interview, he refused to cooperate. The Department testified that Petitioner was unhappy with his worker and refused to complete the interview with that individual. The Department testified that Petitioner stated that if he did not get a different worker, he did not want benefits. Petitioner then ended the call. As a result, the Department denied both applications.

Petitioner testified that he has had previous dealings with the worker that was assigned to him in his role as a hearing facilitator. Petitioner was unhappy with the reassignment.

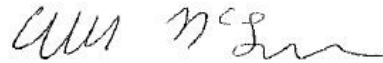
Petitioner agreed that he refused to move forward with the interview with that particular worker.

An interview is required to approve both SER and FAP benefits. Petitioner refused to conduct the interview. Therefore, the Department acted in accordance with policy when it denied his FAP and SER applications.

DECISION AND ORDER

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 FAP and SER applications. Accordingly, the Department's decision is **AFFIRMED**.

EM/cg



Ellen McLemore
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:

[REDACTED]

Petitioner – Via First-Class Mail:

[REDACTED]