



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR



Date Mailed: May 24, 2018
MAHS Docket No.: 18-004182
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Vicki Armstrong

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 May 23, 2018, from Lansing, Michigan. Petitioner personally appeared and testified, accompanied by her boyfriend, [REDACTED].

The Department of Health and Human Services (Department) was represented by Assistance Payment Worker Supervisor [REDACTED] and Assistance Payment Worker [REDACTED]. [REDACTED] and [REDACTED] testified on behalf of the Department. The Department submitted 10 exhibits which were admitted into evidence. The record was closed at the conclusion of the hearing.

ISSUE

Did the Department properly deny Petitioner's Food Assistance Program (FAP) application for a missed interview?

FINDINGS OF FACT

The Administrative Law Judge, based on competent, material, and substantial evidence on the whole record, finds as material fact:

1. On March 15, 2018, Petitioner applied for Food Assistance Program benefits.
2. On April 20, 2018, the Department mailed Petitioner a Notice of Case Action denying her application for Food Assistance Program benefits for failure to complete the interview requirement. [Dept. Exh. 4-7].

3. On April 20, 2018, Petitioner filed a Request for Hearing contesting the denial of Food Assistance Program benefits. [Dept. Exh. 2-3].

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.

At application, a telephone interview is conducted before approving Food Assistance Program benefits. BAM 115, p 21 (1/1/2018). For Food Assistance Program benefits only, the interview is scheduled as a telephone appointment unless specific policy directs otherwise. BAM 115, p 24. 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. *Id.*

Missed Interviews

If clients miss an interview appointment, the Department's computer software, Bridges, sends clients a DHS-254, Notice of Missed Interview, advising them that it is the clients' responsibility to request another interview date. BAM, p 24. Bridges sends a notice only after the first missed interview. *Id.* If the client calls to reschedule, the Department attempts to set the interview prior to the 30th day, if possible. *Id.* at 24-25. If the client fails to reschedule or misses the rescheduled interview, the application is denied on the 30th day. *Id.*

In this case, [REDACTED] testified that she left a voicemail for Petitioner, scheduling the interview, and Petitioner failed to make herself available for the interview. Since Petitioner did not participate in the interview, the Department denied her application for Food Assistance Program benefits.

However, according to Department policy, once Petitioner missed her interview, the Department should have mailed Petitioner a Notice of Missed Interview, informing Petitioner that it was her responsibility to request another interview date. No evidence was presented Respondent, that this was completed by Bridges.

Therefore, the Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department failed to satisfy its burden of showing that it acted in accordance with Department policy when it failed to mail Petitioner a Notice of Missed Interview.

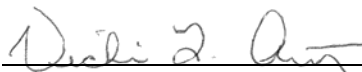
DECISION AND ORDER

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. Redetermine Petitioner's Food Assistance Program benefit eligibility regarding her March 15, 2018, application in accord with this decision.
2. Issue an updated Notice of Case Action once the redetermination is completed.

VLA/hb



Vicki Armstrong
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) 763-0155; 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]