



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: December 14, 2018
MAHS Docket No.: 18-011801
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 December 13, 2018, from Detroit, Michigan. Petitioner represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly deny Petitioner's September 27, 2018 application for Food Assistance Program (FAP) 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 September 27, 2018, Petitioner applied for FAP benefits.
2. Also, on September 27, 2018, the Department sent Petitioner an Appointment Notice which required Petitioner to appear by telephone on October 4, 2018 at 10:00 a.m.
3. The Appointment Notice was sent to the incorrect address.
4. Petitioner failed to appear for the appointment.
5. On October 2, 2018, the Department sent Petitioner a Verification Checklist which requested specific information be returned on or before October 12, 2018.

6. The VCL was sent to the correct address.
7. Petitioner failed to submit the request of verifications by the due date.
8. On October 4, 2018, the Department said Petitioner a Notice of Missed Interview which required Petitioner to reschedule her interview on or before October 27, 2018.
9. Petitioner failed to reschedule the interview.
10. On October 29, 2018, the Department sent Petitioner a Notice Case Action which notified Petitioner that her application for FAP benefits have been denied.
11. On November 5, 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, Petitioner applied for FAP benefits on September 27, 2018. In her application, Petitioner listed her mailing address as [REDACTED]. The Department indicated that the reason it denied Petitioner's application for FAP benefits was because she failed to appear for her appointment. The purpose of the interview is to explain program requirements to the applicant and to gather information for determining the group's eligibility. BAM 115 (January 2018), p. 18. The Appointment Notice was sent to the incorrect address.

Petitioner testified that she did not receive the Appointment Notice. Petitioner further testified that she has not resided at the address in which the Appointment Notice was sent since December 2017. Although the VCL and the Notice of Missed Appointment were sent to the correct address, the Department specifically testified that the reason the application was denied was because Petitioner failed to appear for the interview. It is found that Petitioner established good cause for failing to appear for the interview as the Appointment Notice was mailed to the incorrect address.

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 September 27, 2018 application for FAP benefits.

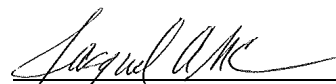
DECISION AND ORDER

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 September 27, 2018 application for FAP benefits;
2. If Petitioner was eligible to receive supplements, issue FAP supplements Petitioner was eligible to receive but did not; 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) 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

Via Email:

[REDACTED]

Petitioner – Via First-Class Mail:

[REDACTED]