



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: January 25, 2018
MAHS Docket No.: 17-015779
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, telephone hearing was held on January 24, 2018, from Lansing, Michigan. The Petitioner was represented by [REDACTED]. The Department was represented by Dana Patch, Eligibility Specialist, and Diana Weyhmiller, Assistance Payments Supervisor.

ISSUE

Did the Department of Health and Human Services (Department) properly deny Petitioner's 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 October 18, 2017, the Department received Petitioner's Filing Form (DHS-1171-F). Exhibit A, pp 6-7.
2. On October 23, 2017, the Department sent Petitioner an Appointment Notice (DHS-170) scheduling a required eligibility interview for October 27, 2017. Exhibit A, p 8.
3. The Department sent Petitioner an Assistance Application (DHS-1171). Exhibit A, p 12.
4. On October 27, 2017, the Department sent Petitioner a Notice of Missed Interview (DHS-254) informing him that he was his responsibility to reschedule the interview before November 17, 2017. Exhibit A, p 9.

5. On [REDACTED], 2017, the Department received Petitioner's Assistance Application (DHS-1171). Exhibit A, pp 12-13.
6. On November 9, 2017, the Department sent Petitioner an Appointment Notice (DHS-170) scheduling a required eligibility interview for November 14, 2017. Exhibit A, p 14.
7. On November 14, 2017, the Department sent Petitioner a Notice of Missed Interview (DHS-254) informing him that it was his responsibility to reschedule the interview before November 17, 2017. Exhibit A, p 15.
8. On November 17, 2017, the Department notified Petitioner that his application for Food Assistance Program (FAP) benefits had been denied effective October 18, 2017, which was the date his Filing Form was received by the Department. Exhibit A, pp 16-17.
9. On November 29, 2017, the Department received Petitioner's request for a hearing protesting the denial of her Food Assistance Program (FAP) application. Exhibit A, pp 3-4.

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 purpose of an eligibility interview is to explain program requirements to the applicant and to gather information for determining the group's eligibility. An eligibility interview is required before denying assistance even if it is clear from the application or other sources that the group is ineligible. The Department will not deny the application if the client has not participated in a scheduled initial interview until the 30th day after the application date even if he/she has returned all verifications. If clients miss an interview appointment, the Department will send a DHS-254, Notice of Missed Interview, advising them that it is the clients' responsibility to request another interview date. Department of Health and Human Services Bridges Administrative Manual (BAM) 115 (January 1, 2018), pp 18-25.

In this case, the Department received Petitioner's Filing Form on October 18, 2017, establishing that date as his eligibility date for FAP benefits. On October 12, 2017, and

November 9, 2017, the Department scheduled eligibility interviews after sending Petitioner written notice of the interviews. Petitioner, nor an authorized representative, participated in either of those interviews. After each interview was missed, the Department sent Petitioner a Notice of Missed Interview form. When the required eligibility interview was not complete within 30 days of the receipt of the Filing Form, the Department notified Petitioner that it had denied his FAP application as directed by BAM 115.

Petitioner's representative testified that she attempted to reschedule the eligibility interviews but failed to offer any evidence of these requests to reschedule.


It was not disputed that the required eligibility interviews did not take place. Therefore, the Department was acting in accordance with BAM 115 when it denied Petitioner's October 18, 2017, 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 acted in accordance with Department policy when it denied Petitioner's application for Food Assistance Program (FAP) benefits.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/nr



Kevin Scully
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

Theresa Ergang
121 Franklin SE
Grand Rapids, MI
49507

Kent County DHHS- via electronic mail

BSC3- via electronic mail

M. Holden- via electronic mail

D. Sweeney- via electronic mail

Authorized Hearing Rep.

[REDACTED]

Petitioner

[REDACTED]