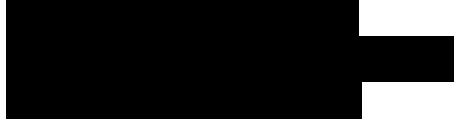




RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR



Date Mailed: July 20, 2018
MAHS Docket No.: 18-006020
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 July 18, 2018, from Detroit, Michigan. Petitioner was present and represented herself. The Department of Health and Human Services (Department) was represented by Christine Brown, Hearing Facilitator.

ISSUE

Did the 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 [REDACTED], 2018, Petitioner submitted a FAP assistance application registration/filing form (Exhibit B).
2. On May 24, 2018, the Department sent Petitioner an Appointment Notice informing her that she had an interview scheduled [REDACTED], 2018 and a Quick Note notifying her that she needed to bring a completed application to the interview (Exhibit C).
3. On May 31, 2018, the Department sent Petitioner a Notice of Missed Interview informing her that she was required to reschedule her interview by [REDACTED], 2018 (Exhibit E).

4. On June 11, 2018, the Department sent Petitioner a Notice of Case Action informing her that her application for FAP benefits was denied for her failure to complete the interview process (Exhibit G).
5. On June 11, 2018, Petitioner requested a hearing to dispute 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 submitted an Applicant Registration for FAP benefits on [REDACTED], 2018. As a result, the Department sent Petitioner notice that she had an interview scheduled on [REDACTED], 2018. Petitioner was also advised that she needed to bring a complete assistance application with her to the interview.

When completing an application for FAP benefits, the Department will conduct a telephone interview before approving benefits. BAM 115 (January 2018), p. 21. An in-person interview can be conducted if the client requests one or the specialist determines it is appropriate. BAM 115, p. 21. The Department will not require an in-office interview if the client is experiencing a hardship which prevents an in-office interview. BAM 115, p. 21. Instead, the Department will conduct the in-person interview at the client's home or another agreed-upon location. BAM 115, p. 21. Hardship conditions include but are not limited to: illness, transportation difficulties, work hours, etc. BAM 115, 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.

Between May 25, 2018 and June 11, 2018, Petitioner had a significant amount of correspondence between herself and a Department supervisor (Exhibits D and F). Petitioner expressed difficulty completing an interview in-person due to health issues and requested an interview be conducted at her location (Exhibit F, p. 17). Petitioner was advised by the Department that her only options were an in-person or telephone interview. Petitioner was repeatedly informed that the interview was required and if she did not complete the interview by [REDACTED], 2018 her benefits would be denied.

The Department testified that Petitioner did not attend the [REDACTED], 2018 scheduled interview. As a result, the Department sent Petitioner a Notice of Missed Interview on May 31, 2018, informing her that she needed to reschedule the interview by [REDACTED] 2018. The Department stated that in the correspondence between the Department and Petitioner, she did not ask to reschedule a phone or in-person interview by [REDACTED], 2018. The Department sent Petitioner a Notice of Case Action on June 11, 2018, informing Petitioner that her FAP application was denied for her failure to complete the interview process.

Petitioner acknowledged that she did not attend the [REDACTED], 2018 interview. Petitioner testified that she has health issues preventing her from attending and in-person interview. Petitioner stated that she was offered a telephone interview, but she declined because she has a “minute phone” and it would be difficult to complete the interview by phone. Petitioner stated that she requested to have the interview scheduled at a location of her choosing but the request was denied.

At the hearing, the Department acknowledged Petitioner requested to have an in-home interview. The Department stated that only telephone and in-person interviews at the local office are allowed. However, policy specifically provides for the possibility of in-person interviews at the client’s home in certain circumstances. Petitioner alleged that she has health and transportation issues that would prevent her from participating in-person at a local office. Therefore, the Department did not follow policy when denying Petitioner’s application for FAP benefits for failing to complete the interview process.

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 did not act in accordance with Department policy when it denied Petitioner’s FAP application.

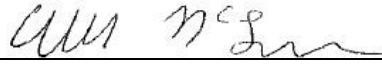
Accordingly, the Department’s decision is **REVERSED**.

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. Reinstate and reprocess Petitioner’s [REDACTED], 2018 application registration;
2. If Petitioner is eligible for FAP benefits, issue supplements she is entitled to receive but did not as of the date of the application registration; and

3. Notify Petitioner of its decision in writing.

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) 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:

MDHHS-Oakland-3-Hearings
M. Holden
D. Sweeney
BSC4- Hearing Decisions
MAHS

Petitioner – Via First-Class Mail:

