



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: November 28, 2018
MAHS Docket No.: 18-010965
Agency No.: 113155573
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 November 21, 2018, from Lansing, Michigan. Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Kelly Reynolds, Eligibility Specialist.

ISSUE

Did the Department properly deny Petitioner's Food Assistance Program (FAP) application due to Petitioner's failure to attend the required intake interview?

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 applied for FAP benefits. Department Exhibit A, pg. 1.
2. On August 14, 2018, the Department Caseworker tried to contact Petitioner by phone for an interview, but there was no answer and she left a voice mail for Petitioner. Department Exhibit B, pg. 2.
3. On August 14, 2018, the Department Caseworker sent Petitioner an Appointment Notice, DHS-170, for an in-person interview on August 21, 2018, at 10 a.m. Department Exhibit C, pg. 5.

4. On August 17, 2018, the Department Caseworker tried to contact Petitioner again by phone for an interview, but there was no answer and she left another voice mail for Petitioner. Department Exhibit B, pg. 2.
5. On August 21, 2018, the Department Caseworker sent Petitioner a Notice of Missed Interview, DHS-254, that she had missed her scheduled interview and it now her responsibility to reschedule the interview before September 12, 2018, or her application would be denied. Department Exhibit D, pg. 6.
6. On September 12, 2018, the Department Caseworker sent Petitioner a Application Notice, DHS 1150, that her FAP application was denied because she failed to meet the FAP interview requirements. Department Exhibit E, pgs. 7-8.
7. On September 25, 2018, the Department received a hearing request from the Petitioner contesting the Department's negative action.

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 did not answer the Department Caseworker's call on August 14, 2018, and August 17, 2018 even though she left a voice mail. The Department Caseworker also scheduled Petitioner for an in-person interview on August 21, 2018, which she did not attend. Since the interview was not conducted in 30 days based on an application date of August 13, 2018, Petitioner's FAP application was denied. BAM 115.

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 application because the interview was not conducted in 30 days based on an application date of August 13, 2018.

Accordingly, the Department's decision is **AFFIRMED**.



CF/hb

Carmen G. Fahie
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

Tolisha Bates
21885 Dunham Road
Clinton Twp., MI 48036

Macomb County (District 12), DHHS

BSC4 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

Petitioner

[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]