

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

Reg. No: 2009-3106
Issue No: 3014
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
February 26, 2009
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Linda Steadley Schwarb

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on February 26, 2009. Claimant appeared and testified.

ISSUE

Did the Department of Human Services (DHS or department) properly place claimant and her daughter in the same Food Assistance Program (FAP) group?

FINDINGS OF FACT

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

(1) On September 5, 2008, claimant, [REDACTED], filed an application for FAP benefits. Claimant indicated in her application that her daughter, [REDACTED], lived in the household and that they bought and fixed or ate meals together. (Department Exhibit #2.)

(2) On September 5, 2008, claimant's daughter, [REDACTED], filed an application for FAP benefits. [REDACTED] indicated in her application that her mother, [REDACTED], lived in the household and that they bought and fixed or ate meals together. (Department Exhibit #1.)

(3) Thereafter, the department opened an FAP case for claimant, [REDACTED], and her daughter, [REDACTED], as a group of two.

(4) On October 13, 2008, claimant filed a hearing request.

(5) At the hearing, claimant clarified that in filing two applications for FAP benefits on September 5, 2008, claimant and her daughter each wanted their own FAP card and wanted a hearing to protest the department's action in placing them in the same FAP group.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (formerly known as the Food Stamp (FS) program) is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Departmental policy in this matter is as follows:

Food Assistance Program Group Composition

You must determine who is included in the Food Assistance Program (FAP) group prior to evaluating the nonfinancial and financial eligibility of every one in the group.

To establish FAP group composition determine:

(1) Who lives together.

- (2) The relationship(s) of the people who live together.
- (3) Whether the people living together purchase and prepare food together or separately, and
- (4) Whether the person(s) resides in an eligible living situation. PEM, Item 212, page 1.

The relationship(s) of the people who live together affects whether they must be included or excluded from the group. First, determine if they **must** be included in the group. If they are **not** mandatory group members, then determine if they purchase and prepare food together or separately. PEM, Item 212, page 1.

Living with means sharing a home where family members usually sleep and share **any** common living quarters such as a kitchen, bathroom, bedroom or living room. PEM, Item 212, page 2.

Purchase and prepare together is meant to describe persons who customarily share food in common.

Persons **customarily** share food in common if:

- . They each contribute to the purchase of food; **or**
- . They share the preparation of food, regardless of who paid for it; **or**
- . They eat from the same food supply, regardless of who paid for it.

In general, persons who live together and purchase and prepare food together are members of the FAP group. PEM, Item 212, pages 4 and 5.

In this matter, claimant, [REDACTED], and her daughter, [REDACTED], both filed applications for FAP benefits on September 5, 2008. In their applications (Department Exhibits #1 and #2), both indicated that they lived in the same household and bought food and fixed or ate meals together. The department properly put [REDACTED] and [REDACTED] in the same FAP group. The department followed policy in this matter. See PEM, Item 212, page 5 and 20 CFR 273.1. The department must be

affirmed in its decision to place claimant and her daughter in the same FAP group based upon the information provided by the parties in their September 5, 2008 applications for FAP benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services properly placed claimant and her daughter in the same Food Assistance Program group.

Accordingly, the department's determination in this matter is hereby AFFIRMED.

/s/

Linda Steadley Schwarb
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 9, 2009

Date Mailed: March 12, 2009

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

LSS/tg

cc:

