

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: 2009-33178

Issue No: 2006, 3008

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

September 22, 2009

Lapeer County DHS

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 telephone hearing was conducted on September 22, 2009. The Claimant appeared and testified. Nancy Timmer, ES, and Michael Hoard, FIM, appeared on behalf of the Department.

ISSUE

Whether the Department properly closed Claimant's Food Assistance (FAP) and Medicaid (MA) benefits by written request of claimant's husband.

FINDINGS OF FACT

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

1. The Claimant was an ongoing recipient of FAP and MA benefits.
2. On July 21, 2009, claimant's husband filed a written statement refusing to provide income verifications and requesting the department close all benefit cases for his family.

3. On July 21, 2009, the department closed claimant's FAP and MA cases.
4. Claimant requested a hearing contesting the FAP and MA closure on August 10, 2009.

CONCLUSIONS OF LAW

The Food Assistance Program, 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"), formally known as the Family Independence Agency, administers the FAP program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Program Reference Manuals.

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Departmental policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Program Reference Manuals.

Under BAM 220, the department is to close the case when a recipient is no longer eligible or requests case closure. Recipient is defined as a person(s) receiving program benefits. (BPG glossary)

FAP benefits are issued based upon household eligibility. (7 CFR 273.10) In determining FAP group composition, the department looks at who lives together, the relationship(s) of the people who live together, and whether the people living together purchase and prepare food together or separately. BEM 212. 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. BEM 212.

Spouses who live together must be in the same group. BEM 212. In the present case, claimant and her husband live together. Claimant's husband is a mandatory group member. Therefore, the FAP eligibility determination was made including the husband in the group and he was a recipient of the FAP benefits. As noted above, the department is to close a benefits case at the request of a recipient.

Fiscal groups are used in determining eligibility for MA benefits. BEM 211. Spouses are mandatory MA group members for adult recipients and parents are mandatory MA group members for child recipients. BEM 211. In the present case, claimant and her children were receiving MA benefits. Therefore, claimant's husband was a mandatory MA group member as the spouse in claimant's MA group and as a parent in the children's MA group.

Further, when a person about whom information necessary to determine eligibility refuses to provide the information, MA eligibility can be denied for the person's spouse and children, if living with the person. BEM 211. In the present case, Claimant's husband also refused to provide any income verification. Income is considered in determining eligibility for MA benefits. BEM 530.

Based upon the foregoing facts and relevant law, it is found that the department properly closed the FAP and MA cases. The department established that it acted in accordance with departmental policy in closing the FAP and MA cases at the request of claimant's husband, a mandatory group member, who was also refusing to provide verification of employment income.

DECISION AND ORDER

The Administrative Law Judge, based upon the findings of fact and conclusions of law, decides that the department correctly closed claimant's FAP and MA benefits at the written request of a mandatory group member, who was also refusing to provide verification of employment income, and it is ORDERED that the Department's decision in this regard be and is hereby AFFIRMED.

/s/ _____
Colleen Lack
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 25, 2009

Date Mailed: September 28, 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 90 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.

CL/cv

cc:

