

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: 2009-30531
Issue No: 3014
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 26, 2009
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Keegstra

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 held on August 26, 2009. The claimant personally appeared and provided testimony.

ISSUE

Did the department properly deny the claimant's Food Assistance Program (FAP) application in June, 2009?

FINDINGS OF FACT

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

1. The claimant applied for FAP, Medical Assistance (MA) and Family Independence Program (FIP) benefits on June 25, 2009. (Department Exhibit 1 – 15).
2. The claimant reported her date of birth as [REDACTED] (making her 19 at the time of application) and reported that she was living in the house with her mother and sister, although

she indicated she was not asking for any type of support for her mother or sister. (Department Exhibit 3 – 4).

3. On June 25, 2009, the department mailed the claimant a Notice of Case Action (DHS-1605) that informed the claimant that her application for FAP was denied. (Department Exhibit 16 – 19).

4. The claimant submitted a hearing request on July 16, 2009.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

Department policy states:

FOOD ASSISTANCE PROGRAM GROUP COMPOSITION

DEPARTMENT POLICY

You must determine who is included in the Food Assistance Program (FAP) group prior to evaluating the nonfinancial and financial eligibility of everyone 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. (See “LIVING SITUATIONS” in this item.)

BEM, Item 212, p. 1.

RELATIONSHIPS

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, Item 212, p. 1.

Spouses

Spouses who are legally married and live together **must** be in the same group. BEM, Item 212, p. 1.

Parents and Children

Children include natural, step and adopted children.

Parents and their children **under 22 years of age** who live together **must** be in the same group regardless of whether the child has his/her own spouse or child who lives with the group. BEM, Item 212, p. 1.

It is noted, that while the claimant indicated she was requesting a hearing on MA, the MA was opened and active for the claimant as of June 1, 2009. The claimant did confirm that this was the case during her hearing testimony and indicated that this was no longer a hearing issue. Thus, the only issue remaining is the FAP issue.

In this case, the claimant does not dispute that at the time of application, she was under the age of 22 and was living with her mother. Department policy indicates that parents and children under the age of 22, who live together, are mandatory group members. BEM 212. The claimant did not apply for benefits for her mother and sister. Therefore, the department could not approve the claimant for FAP benefits because she was part of a mandatory group which included her mother and sister.

The claimant testified that she is moving out of her mother's house at this time. This Administrative Law Judge advised the claimant to submit another FAP application when her legal residence changed and she was no longer living with her mother.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly determined that the claimant was not eligible for FAP benefits as she was under 22 and living with her mother and sister, who are mandatory group members.

Accordingly, the department's decision is UPHELD. SO ORDERED.

/s/ _____
Suzanne L. Keegstra
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 22, 2009

Date Mailed: October 26, 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.

SLK 

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