

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: 2010-13159

Issue No: 3001/2014

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

February 11, 2009

Midland County DHS

ADMINISTRATIVE LAW JUDGE:

Steven M. Brown

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 from [REDACTED] on February 11, 2010.

ISSUE

Whether the Department properly denied Claimant's application for Food Assistance Program (FAP) and Adult Medical Program (AMP) 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 November 17, 2009, Claimant applied for FAP and AMP benefits.
(Exhibit 1)
- (2) Claimant was under 22 years of age and resided with his parents at the time of his application.

(3) Claimant's father was present at the time of Claimant's application interview and told the Department that he did not want to apply for FAP benefits.

(4) On November 17, 2009, the Department mailed Claimant an Application Notice, DHS-1150, which informed him that his application for FAP and AMP benefits had been denied. (Exhibit 2)

(5) On December 8, 2009, the Department received Claimant's hearing request. (Exhibit 3)

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. Departmental policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Bridges Reference Manual (BRM).

The Adult Medical Program (AMP) is established by Title XXI of the Social Security Act; (1115)(a)(1) of the Social Security Act, and is administered by the Department of Human Services (DHS or department) pursuant to MCL 400.10, *et seq.* Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

The relationships of the people who live together affects whether they must be included or excluded from the group. Spouses who are legally married and live together must be in the same group. 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 of child who lives with the group. PEM 212, p.1

In the instant case, there is no dispute that Claimant was under 22 years of age and lived with his parents at the time of application. As such, his parents were required to be in the same FAP group. Given that Claimant's father did not want to apply for FAP benefits, the Department was unable to process Claimant's application. As to Claimant's application for AMP benefits, the AMP program is currently closed to new applicants.

With the above said, I find that the Department established that it acted in accordance with policy in denying Claimant's application for FAP and AMP benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department acted in accordance with policy in denying Claimant's application for FAP and AMP benefits.

Accordingly, the Department's FAP and AMP eligibility determinations are AFFIRMED, it is SO ORDERED.

/S/

Steven M. Brown
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: February 18, 2010

Date Mailed: February 18, 2010

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.

SMB/db

cc:

