

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: 2010-19274  
Issue No: 3008  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
March 11, 2010  
Washtenaw County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 March 11, 2010. Claimant personally appeared and testified.

ISSUE

Did the department correctly terminate claimant's Food Assistance Program (FAP) benefits effective February 1, 2010?

FINDINGS OF FACT

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

1. Claimant was receiving FAP benefits for his household when his wife's employment income and UCB were budgeted through the department's computer system. This budgeting resulted in determination of excess income for the FAP program, and claimant's case was closed effective February 1, 2010.

2. Claimant's case was due for a February, 2010 review. Claimant returned a Redetermination form listing himself, his wife and two sons in his household.

3. On February 2, 2010, department mailed the claimant a Verification Checklist requesting the return of enclosed Verification of Employment income, DHS-38 form, and paycheck stubs for December, January and February, for claimant's wife.

4. Requested verifications were not returned and claimant's FAP case remains closed.

5. Claimant requested a hearing on February 1, 2010.

### 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 Program Reference Manual (PRM).

In claimant's case department requested verification of his wife's employment income. Claimant's hearing testimony is that his wife refuses to provide this verification. Department is unable to verify income through computer matching, as claimant's wife apparently works for a company situated outside of this state. Department's 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.

Department cannot therefore exclude claimant's wife from his FAP case and not consider her income when determining FAP eligibility. At the conclusion of the hearing claimant provided his wife's cell phone number, and department's representative is willing to attempt to obtain needed income verifications by contacting her. However, if claimant's wife continues to refuse to provide her income verification, the entire family will not be eligible for FAP benefits unfortunately.

## **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly terminated claimant's FAP benefits effective February 1, 2010.

Accordingly, department's action is AFFIRMED, and it is SO ORDERED.

/s/

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Ivona Rairigh  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: March 31, 2010

Date Mailed: March 31, 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.

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