

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: 2010-23043
Issue No: 3014
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 24, 2010
Livingston County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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 March 24, 2010.

ISSUE

Whether the Department of Human Services (Department) properly closed Claimant's Food Assistance Program (FAP) case?

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 is a FAP recipient.
- (2) On January 30, 2009, the Department closed Claimant's FAP.
- (3) The Department added Claimant as a group member of her husband's FAP group effective January 1, 2010.

(4) On January 27, 2010, the Department received Claimant's hearing request, protesting the closure of her FAP benefits.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (formerly known as the Food Stamp 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), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes the completion of necessary forms. BAM 105, p. 5. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130, p. 1. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. BAM 130, p. 1. The Department uses documents, collateral contacts, or home calls to verify information. BAM 130, p. 1. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. BAM 130, p. 2. When documentation is not available, or clarification is needed, collateral contact may be necessary. BAM 130, p. 2.

FAP group composition is established by determining who lives together, the relationship of the people who live together, whether the people living together purchase and prepare food

together or separately, and whether the persons resides in an eligible living situation. BEM 212. Spouses who are legally married and live together must be in the same group. BEM 212.

In this case, Claimant received FAP benefits in December of 2009. In January of 2010, Claimant's husband began living with her. Claimant's husband applied separately for FAP benefits. The Department closed Claimant's FAP case, and processed her husband's FAP case with the Claimant as a mandatory member.

The Claimant protests the Department's closure of her own FAP case, and the fact that she was added to her husband's FAP case. However, policy prohibits the Department from determining the Claimant's eligibility for FAP separately from her husband, and the Claimant and her husband are required to be in the same FAP group. The Department has established that it acted in accordance with policy when it determined their eligibility 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 has established that it acted in accordance with policy in determining Claimant's FAP eligibility.

Accordingly, the department's FAP determination is AFFIRMED, it is so ORDERED.

/s/

Kevin Scully
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 2, 2010

Date Mailed: April 5, 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.

KS/vmc

cc:

