

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: 2010-24321

Issue No: 3012

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

May 19, 2010

Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on February 20, 2010. After due notice, a telephone hearing was held on Wednesday, May 19, 2010.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's eligibility for the Food Assistance Program (FAP) and Medical Assistance (MA)?

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 and MA benefits on December 28, 2009.
- (2) The Claimant and his wife were members of another FAP recipient's FAP group when they applied for benefits.

(3) On February 1, 2010, the Department denied the Claimant's application for FAP and MA benefits.

(4) The Department received the Claimant's request for a hearing on February 20, 2010, protesting the denial of his FAP and MA application.

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).

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. 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.

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. A person must not participate as a member of more than one FAP group in any given month. BEM 212.

In this case, the Claimant's FAP group were members of another FAP recipient's FAP group when they submitted their application for benefits. The Claimant's group was not denied FAP benefits, but they could not receive benefits as a separate case because they were active members of another benefits case.

The Claimant had an active MA benefits case with the Department when they submitted a second application for MA and FAP benefits. The Claimant was not denied MA benefits because they were already covered under a different MA benefits application.

The Claimant argued that they had moved to a separate residence, and therefore qualified as a separate FAP group. On February 25, 2010, the Department sent notice to the Claimants that they were approved for FAP and MA benefits. The Department sent this correspondence to

the same mailing address as the Claimant's current mailing address. While the Claimant and his wife are eligible to separate themselves from the FAP group that they had been receiving FAP benefits with, on February 2, 2010, the Department had not removed them from the active FAP yet. The Claimant is entitled to receive benefits under one benefits group at a time, and the Claimant has been covered by a benefit group.

I find that the Department has established that it acted in accordance with policy determining the Claimant's FAP and MA eligibility.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's FAP and MA eligibility.

The Department's FAP eligibility determination is AFFIRMED. It is SO ORDERED.

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

Date Signed: June 9, 2010

Date Mailed: June 10, 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.

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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/vc

cc:

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