

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.: 2010-28048
Issue No.: 3014
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
April 28, 2010
Wayne County DHS (82)

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 April 28, 2010. Claimant appeared at the hearing and testified. [REDACTED] appeared on behalf of the Department of Human Services ("Department").

ISSUE

Was the Department correct in determining Claimant's Food Assistance Program ("FAP") eligibility?

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 applied for FAP, Medical Assistance ("MA") and State Disability Assistance ("SDA") benefits in February of 2010.

2. On March 2, 2010, the Department determined that Claimant was eligible for SDA in the amount of \$49 per month.
3. On March 2, 2010, the Department determined that Claimant was not eligible for FAP because the adult foster care home where he resides did not prove non-profit/tax-exempt status.
4. Claimant requested a hearing on March 9, 2010, contesting the determination of FAP benefits.
5. Claimant's MA application remains pending.

CONCLUSIONS OF LAW

The Food Assistance Program, 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"), formerly known as the Family Independence Agency, 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 Program Reference Manual ("PRM"). In order to be eligible for FAP as an AFC home resident, the home must be nonprofit and licensed for 16 or fewer residents. **Nonprofit** means IRS tax-exempt. BEM 615.

In the present case, Claimant presented no proof at hearing that the Adult Foster Care facility where he resides is non-profit or tax-exempt. Department policy requires that residents of Adult Foster Care facilities must be non-profit and IRS tax-exempt. BEM 615. Accordingly, the Department's denial of Claimant's FAP application was correct. Claimant raised issues at

hearing with regard to his MA application and it was explained that his MA application was still pending and, therefore, could not be addressed as part of this hearing.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department properly determined Claimant's FAP eligibility, and it is ORDERED that the Department's decision in this regard be and is hereby AFFIRMED.



Aaron McClintic
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: May 11, 2010

Date Mailed: May 12, 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.

AM/pf

cc:

