STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: ███████,

Claimant

Reg. No.: 2010-28999
Issue No.: 3014
Case No.: ███████
Load No.: ███████
Hearing Date:
April 22, 2010
Wayne County DHS (15)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on April 22, 2010. Claimant appeared and testified; ███████ also appeared and testified on behalf of Claimant. On behalf of Department of Human Services (DHS), ███████, Specialist, appeared and testified.

ISSUE

Whether DHS properly denied Claimant's 1/22/10 Assistance Application (DHS-1171) for Food Assistance Program (FAP) benefits because Claimant was a FAP recipient on her mother's 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 applied for FAP benefits on 1/22/10.

2.   On 1/22/10, Claimant was a FAP recipient on ████████████ (Claimant's mother) FAP benefits case.

3.   DHS denied Claimant's 1/22/10 FAP benefits request on the same day due to Claimant being active on her mother's case.

4.   Claimant submitted a hearing request on 3/24/10 regarding denial of her 1/22/10 FAP benefits application.

<div align="center">CONCLUSIONS OF LAW</div>

The Food Assistance Program (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 (formerly known as the Family Independence Agency) 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 Reference Tables Manual (RFT).

BAM 110 states, "An application or filing form, with the minimum information, must be registered on Bridges unless the client is already active for that program(s)". In the present case, Claimant submitted a DHS-1171 requesting FAP benefits on 1/22/10. As of 1/22/10, Claimant was active for FAP benefits on her mother's FAP case. As an active FAP recipient, DHS had no basis to register Claimant's application for FAP benefits. It is found that DHS properly denied Claimant's 1/22/10 application requesting FAP benefits.

Claimant has a remedy for receiving FAP benefits. Claimant's DHS-1171 indicated that she bought and prepared food separately from her mother. Claimant could receive FAP benefits separately from her mother but she would have to be first removed as a recipient from her

mother's case before applying. Once Claimant was removed as a recipient from her mother's FAP case, Claimant could immediately apply for her own FAP benefits. Claimant was given this advice during the hearing.

DECISION AND ORDER

The actions taken by DHS are AFFIRMED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly denied Claimant's 1/22/10 application for FAP benefits.

Christian Gardocki

_____

Christian Gardocki
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: __4/30/2010__

Date Mailed: __4/30/2010__

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 cannon 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.

CG/jlg

cc: