

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: 2010-32334
Issue No: 3008
Case No:
Load No:
Hearing Date:
May 19, 2010
Kalamazoo County DHS

ADMINISTRATIVE LAW JUDGE: Steven M. Brown

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 conducted from Lansing, Michigan on May 19, 2010.

ISSUE

Whether the Department properly terminated Claimant's Food Assistance Program (FAP) benefits?

FINDINGS OF FACT

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

- (1) On February 19, 2010, Claimant applied for FAP.
- (2) In response to – "Check where you live", Claimant checked homeless. In response to whether he currently lived in a facility or special living arrangement, or did so within the last three months, Claimant checked jail/prison. He crossed out

“Address where you live” which left “address of facility” and he filled in an address next to that indicating that it was a mailing address. (Exhibit 1)

(3) On February 19, 2010, the Department sent Claimant a Notice of Case Action which approved Claimant for \$71.00/mo. from 2/19/2010 – 02/28/2010 and \$200.00/mo. from 03/01/2010 – 4/30/2010. (Exhibits 2-7)

(4) On February 19, 2010, the Department sent Claimant a Change Report, DHS-2240. (Exhibits 8-9)

(5) On March 16, 2010, the Department sent Claimant a Redetermination, DHS-1010, with a due date and appointment date of April 5, 2010. This time Claimant listed the same address as listed on his FAP application as the “Address where you live” and also stated so during his interview. He paid a daily fee for his shelter and meals. (Exhibits 10-13)

(6) On April 8, 2010, the Department determined that Claimant lived at the [REDACTED]. (Exhibits 14)

(7) On April 8, 2010, the Department sent Claimant a Notice of Case Action which informed him that his FAP case would close effective May 1, 2010. (Exhibits 21-24)

(8) On April 22, 2010, the Department received Claimant’s hearing request protesting the termination of his FAP benefits.

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. Departmental policies are found in the Bridges

Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), 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 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

Clients are allowed 10 calendar days (or other time limit specified in policy) to provide the verifications requested by the Department. BAM 130, p. 4 If the client cannot provide the verification despite a reasonable effort, the time limit should be extended no more than once. BAM 130, p. 4 A negative action notice should be sent when the client indicates a refusal to provide the verification or the time period provided has lapsed and the client has not made a reasonable effort to provide it. BAM 130, p.4

A person is a resident of an institution when the institution provides the majority of his meals as part of its normal services. Residents of institutions are **not** eligible for FAP **unless**:

- The facility is authorized by the Food and Consumer Service to accept FAP benefits.

- The facility is an eligible group living facility as defined in BEM 615.
- The facility is a medical hospital and there is a plan for the person's return home.

See "Temporary Absence". BEM 212, p.3

Persons residing in an eligible facility as defined in BEM 615 may have to meet special eligibility requirements to receive food assistance benefits. Also, the facility may have certain responsibilities regarding its residents who are food assistance applicants or recipients. BEM 617, p.1 For worker reference, the local office must maintain a list of group living facilities where residents may receive FAP if otherwise eligible. BEM 615, p.4

In the instant case, the Department initially did not know that Claimant was living at KPEP. After they determined that he was a resident, it terminated his eligibility. The local office maintained an "Unusual Living Arrangements Listing" which includes KPEP. It states the following in regard to KPEP – "FS eligibility does not exist unless the facility is willing to be an authorized representative and this is **NOT** the case. KPEP considers cash or FS benefits accepted by their residents to be a probation violation".

With the above said, I find that the Department established that it acted in accordance with policy in terminating Claimant's FAP benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department acted in accordance with policy in terminating Claimant's FAP benefits.

Accordingly, the Department's FAP eligibility determination is AFFIRMED, it is SO ORDERED.

/s/

Steven M. Brown
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: May 24, 2010

Date Mailed: May 25, 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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