

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 201035163

Issue No: 3014

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

June 14, 2010

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 hearing was held on June 14, 2010.

ISSUE

Was the claimant's FAP application properly denied?

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 in Wayne County in April 2010.
- (2) At the time of application, claimant was in another member group.
- (3) No evidence was submitted that the head of household on the case had moved out of claimant's residence until May 27, 2010.

- (4) Claimant was the father of the head of household's child and was, therefore, a mandatory group member of the head of household's FAP benefit case.
- (5) Claimant's FAP application was subsequently denied.
- (6) Claimant requested a hearing on May 15, 2010.

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. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

Clients cannot have concurrent receipt of benefits for the same program. BEM 222. Parents and their children under 22 years of age must be in the same group. BEM 212.

BEM 212 also states that no person can be a member of more than one FAP group in a given month. FAP policy at BAM 220 states that an approved FAP application is effective from the date of that application; therefore, if claimant was still living with his child and the mother of that child, claimant's application should have been denied, as otherwise, claimant would have been receiving benefits on two cases.

Claimant admits that he was a mandatory group member, and all evidence shows that claimant was a member of another group until at least May 27, 2010.

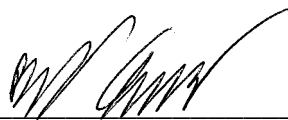
Furthermore, while claimant may have left the group at an earlier date, no evidence was presented to the Department regarding claimant's leaving of the group until May 27, 2010. The Administrative Law Judge may only make determinations as to whether the Department's actions were correct at the time they made the action, using the information they knew at the time. The Department was unaware that the claimant had left the group until after the Department had taken its action.

Therefore, the actions of the Department were correct.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department properly denied claimant's FAP application.

Accordingly, the Department's decision in the above stated matter is, hereby, AFFIRMED.



Robert J. Chavez
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 09/21/10

Date Mailed: 09/22/10

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.

RJC/dj

cc:

