

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: 2010-3855  
Issue No: 3014; 6019  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
November 25, 2009  
Ottawa County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Keegstra

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 November 25, 2009. The claimant personally appeared and provided testimony.

ISSUE

Did the department properly deny the claimant's Food Assistance Program (FAP) and Child Development and Care (CDC) application for failure to provide the necessary information in October, 2009?

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 CDC on September 14, 2009. The claimant resides with her ex-husband and her children. (Department Exhibit 3 – 5).

2. On October 9, 2009, the department case worker called the claimant and told her she would need to add her ex-husband to the case—requesting his date of birth and social security number and income information. (Department Exhibit 5).

3. On October 12, 2009, the claimant called the department back and indicated that her ex-husband would not give her the information. When the case worker told the claimant her application would be denied, the claimant requested to withdraw her FAP application. (Department Exhibit 5).

4. On October 12, 2009, the claimant was mailed a Notice of Case Action (DHS-1605) that informed the claimant that the FAP and CDC application was denied. (Department Exhibit 1 – 2).

5. The claimant submitted a hearing request on October 16, 2009.

#### 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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The Child Development and Care program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department of Human Services (DHS or department) provides services to adults and

children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are contained in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Department policy states:

### **CLIENT OR AUTHORIZED REPRESENTATIVE RESPONSIBILITIES**

#### **Responsibility to Cooperate**

##### **All Programs**

**Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms. PAM, Item 105, p. 5.**

#### **Refusal to Cooperate Penalties**

##### **All Programs**

Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. PAM, Item 105, p. 5.

### **FOOD ASSISTANCE PROGRAM GROUP COMPOSITION**

#### **DEPARTMENT POLICY**

You must determine who is included in the Food Assistance Program (FAP) group prior to evaluating the nonfinancial and financial eligibility of everyone in the group.

To establish FAP group composition determine:

1. Who lives together.
2. The relationship(s) of the people who live together.
3. Whether the people living together purchase and prepare food together or separately, and
4. Whether the person(s) resides in an eligible living situation. (See "LIVING SITUATIONS" in this item.)  
PEM, Item 212, p. 1.

## **FOOD PURCHASE AND PREPARATION**

The phrase **purchase and prepare together** is meant to describe persons who customarily share food in common.

Persons **customarily** share food in common if:

- . they each contribute to the purchase of food; or
- . they share the preparation of food, regardless of who paid for it; or
- . they eat from the same food supply, regardless of who paid for it.

In general, persons who live together and purchase and prepare food together are members of the same FAP group.

Persons who normally purchase and prepare separately maintain that distinction even when they are temporarily sharing food with others.

Persons are **temporarily** sharing food if:

- . they had previously purchased and prepared separately; **and**
- . others are sharing their food until the person:
  - .. is approved for FAP, **or**
  - .. qualifies for other cash assistance, **or**
  - .. secures some other source of income.PEM, Item 212, p. 5.

## **Parents and Children**

Children include natural, step and adopted children.

Parents and their children **under 22 years of age** who live together **must** be in the same group regardless of whether the child has his/her own spouse or child who lives with the group. PEM, Item 212, p. 1.

## **CDC GROUP COMPOSITION**

### **DEPARTMENT POLICY**

## **CDC**

Group composition is the determination of which persons living together are included in the CD program group. Use the definitions in this item to determine CDC group composition. PEM, Item 205, p. 1.

**Program group** means those persons living together whose income must be counted in determining eligibility for CDC categories that require an income determination (see PEM 703, ELIGIBILITY GROUPS).

**Living together** means sharing a home except for temporary absences.

## **DETERMINING THE PROGRAM GROUP**

When CDC is requested for a child, each of the following persons who live together must be in the program group:

- each child for whom care is requested; **and**
- each child's parent(s) or stepparent **and**
- each child's unmarried, under age 18, sibling(s), stepsiblings or halfsibling(s); **and**
- the parent(s) or stepparent of any of the above sibling(s); **and**
- any other unmarried child(ren) under age 18 whose parent, stepparent or legal guardian is a member of the program group.

**Exception:** In some circumstances, when you determine who is in the program group, the applicant is not included (see "**Applicant**" below). For example, if a legal guardian requests care for a child, the legal guardian is not included in the program group if there are no other children for whom care is requested. PEM, Item 205, p. 1.

In this case, the claimant applied for FAP and CDC benefits for her and her two children. However, the claimant resides with her ex-husband. Department policy requires the FAP group to be comprised of all those who live together and share food purchase and preparation.

PEM 212. The claimant and her ex-husband and children share food purchase and preparation and are mandatory group members for FAP purposes.

Department policy also requires all parents who reside together to be included in the CDC program group. PEM 212. This makes the claimant, her children and her ex-husband mandatory group members for CDC purposes, as well.

The claimant could not provide the required information for her husband (date of birth, social security number, income information) to allow the department to determine eligibility. Department policy requires the claimant to provide all necessary information to allow the department to determine initial or ongoing eligibility. PAM 105. Thus, when the claimant did not provide the necessary information to determine eligibility, the department had no choice but to deny her application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly denied the claimant's FAP and CDC application for failure to provide the necessary information in October, 2009.

Accordingly, the department's actions are UPHeld. SO ORDERED.

/S/ \_\_\_\_\_  
Suzanne L. Keegstra  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: February 9, 2010

Date Mailed: February 23, 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 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

SLK [REDACTED]

cc: [REDACTED]