

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201043345
Issue No.: 3004
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: August 12, 2010
SSPC-East County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne VanderHeide

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 three-way telephone hearing was conducted on August 12, 2010 from Detroit, Michigan. The Claimant appeared and testified. [REDACTED], FIM and [REDACTED], ES appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's Food Assistance Program ("FAP") benefits following Claimant's 5/17/10 application.

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 benefits on May 17, 2010.
2. The Claimant stated in her application that she had a food assistance case in Illinois but that she had asked for the case to be closed before moving to Michigan.
3. The Department discovered that Claimant was paid food assistance in Illinois through 6/8/10.
4. On 6/15/10, the Department denied Claimant's application for FAP benefits.

5. The Department received Claimant's request for a hearing on July 9, 2010.

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"), formally 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"), Bridges Eligibility Manual ("BEM"), and the Reference Tables ("RFT").

A person cannot be a member of more than one FAP Certified Group (CG) in any month. A person cannot receive FAP in more than one state for any month. BEM 222, p. 2.

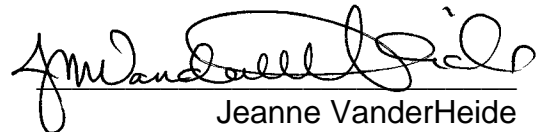
In the present case, Claimant testified that she received benefits from the State of Illinois through June 8, 2010. Pursuant to BEM 222, Claimant would not have been eligible for benefits during May or June of 2010. Accordingly, the Department's determination to deny FAP benefits is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department properly denied the Claimant FAP benefits effective 6/15/10.

Accordingly, it is ORDERED that the Department 6/15/10 FAP denial is AFFIRMED.

/s/



Jeanne VanderHeide
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: August 24, 2010

Date Mailed: August 24, 2010

201043345/JV

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 of the rehearing decision.

JV/hw

cc:

