

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

IN THE MATTER OF:



Reg. No: 201052012
Issue No: 3014
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 30, 2010
Grand Traverse County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on August 2, 2010. After due notice, a telephone hearing was held on Thursday, September 30, 2010.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's Food Assistance Program (FAP) eligibility?

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 June 16, 2010. Department Exhibit 1.
2. The Claimant was born on September 10, 1990. Department Exhibit 1.
3. On June 25, 2010, the Claimant's mother submitted a State Emergency Relief application that listed the Claimant as a household member.
4. On July 7, 2010, the Department denied the Claimant's application for FAP benefits because she was active in another person's FAP group. Department Exhibit 4.

5. The Department received the Claimant's request for a hearing on August 2, 2010, protesting the denial of her FAP application.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (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 (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), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

FAP group composition is established by determining who lives together, the relationship of the people who live together, whether the people living together purchase and prepare food together or separately, and whether the persons resides in an eligible living situation. BEM 212. 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. BEM 212. Living with means sharing a home where family members usually sleep and share any common living quarters such as a kitchen, bathroom, bedroom or living room. BEM 212. A member add that increases benefits is effective the month after it is reported or, if the new member left another group, the month after the member delete. BEM 212.

Clients must report changes in circumstance that potentially affect eligibility or benefit amount within 10 days of receiving the first payment reflecting the change. BAM 105. Income reporting requirements are limited to the following:

Earned income:

- Starting or stopping employment.
- Changing employers.
- Change in rate of pay.
- Change in work hours of more than five hours per week that is expected to continue for more than one month.

Unearned income:

- Starting or stopping a source of unearned income.
- Change in gross monthly income of more than \$50 since the last reported change.

Other changes:

- Persons in the home.
- Marital status.
- Address and shelter cost changes that result from the move
- Vehicles.
- Assets.
- Child support expenses paid.
- Health or hospital coverage and premiums.
- Day care needs or providers. BAM 105

The Claimant applied for FAP benefits on June 16, 2010, and she was 19-years-old at the time of her application. The Claimant testified that she had been living with her mother, which made her a mandatory group member of her mother's FAP group. The Claimant reported on her FAP application that she was no longer living with her mother. The Claimant reported that she was homeless, but that she could receive mail at her aunt's home. The Claimant had not been removed from her mother's FAP group when the Claimant submitted her FAP application, therefore she was not eligible for FAP benefits during the month she submitted her application for benefits. BEM 212.

On June 25, 2010, the Claimant's mother submitted a State Emergency Relief application. This application listed the Claimant as a household member. On July 7, 2010, the Claimant had not yet been removed from her mother's FAP group and the Department denied her FAP application.

Based on the evidence and testimony available during the hearing, the Department has established that it acted in accordance with policy when it denied the Claimant's FAP application because she was already receiving benefits as a member of another FAP group.

DECISION AND ORDER

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

The Department's FAP eligibility determination is AFFIRMED. It is SO ORDERED.

_____/s/ Kevin

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

Date Signed: October 7, 2010

Date Mailed: October 8, 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.

KS/alc

■ [REDACTED]