

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.: 2010-208

Issue No.: 3008

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

November 5, 2009

Oakland County DHS (3)

ADMINISTRATIVE LAW JUDGE: Linda Steadley Schwarb

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 November 5, 2009. The claimant appeared and testified. The claimant was represented by

[REDACTED].

ISSUE

Did the Department of Human Services (DHS or department) properly terminate claimant's Food Assistant Program (FAP) benefits based upon failure to provide verification of 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) Claimant and her husband were recipients of ongoing FAP benefits.

- (2) In May of 2009, the department initiated a redetermination of claimant's ongoing eligibility for FAP by sending claimant a DHS 1010 and asking that the form be completed and submitted to the department with verifications on June 2, 2009.
- (3) On June 2, 2009, the department received a DHS 1010 completed by claimant with the assistance of her authorized representative which indicated that claimant and her husband resided with their son and his family. The form indicated that all the household members "buy food, fix or eat meals together." (Department Exhibit #3.)
- (4) On June 2, 2009, the department provided claimant's authorized representative with a DHS 3503 Verification Checklist requesting proof of income of all household members. The verification was due on June 12, 2009. (Department Exhibit #2.)
- (5) The department did not receive verification of income from household members other than claimant and her husband.
- (6) On July 1, 2009, the department notified claimant that her FAP case had been closed effective June 30, 2009 because "failed to return the required verifications, unable to determine eligibility." (Department Exhibit #1.)
- (7) On September 8, 2009, claimant filed a hearing request to protest the department's closure of her FAP case.

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).

Departmental policy at the time of the determination was as follows:

Food Assistance Program Group Composition

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....

Spouses who are legally married and live together must be in the same group. PEM Item 212, pg. 1

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 FAP group. PEM Item 212, pgs. 4&5.

Senior Impaired Group

A person at least 60 years old, his spouse and their children under 22 years of age may choose to be a separate group from those they live with, even if they purchase and prepare together, if:

- The person can not purchase and prepare meals due to a permanent disability as determined by SSA or a non-disease-related permanent, severe disability; and
- The countable income of all the other people the senior impaired group lives with does not exceed 165% of the

poverty level. (See Reference Tables-RFT, Item 250)
PEM 212, pg. 5.

Verification and Collateral Contacts

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements....

Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. PAM Item 130, pg. 1

Tell the client what verification is required, how to obtain it, and the due date. PAM Item 130, pg 2

Allow the client 10 calendar days (or other time limits specified in policy) to provide the verification you request. If the client can not provide the verification despite a reasonable effort, extend the time limit at least once.....

Send a negative action notice when:

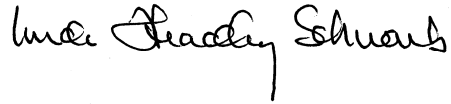
- The client indicates refusal to provide a verification, or
- The time period given has elapsed and the client has not made a reasonable effort to provide it. PAM Item 130, pg. 4

In this case, the record supports a finding that claimant and her husband live with their son and his family and that the household purchases and prepares food together. Accordingly, the department was mandated to consider the income of all household members. When the claimant failed to provide the requested items of verification, the department followed policy in terminating claimant's ongoing FAP benefits. Accordingly, the department's action in this matter must be affirmed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services properly terminated claimant's Food Assistance Program benefits based upon failure to provide verification of eligibility.

Accordingly, the department's action in this matter is AFFIRMED.



Linda Steadley Schwarb
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 12/15/09

Date Mailed: 12/15/09

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 the Circuit 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.

LSS/jlg

cc:

