

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: 2010-39718
Issue No: 3002
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 14, 2010
Mason 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 June 14, 2010. After due notice, a telephone hearing was held on Wednesday, July 14, 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) On June 2, 2010, the Department sent the Claimant a Shelter Verification form and the Claimant reported that he had moved to an Adult Foster Care (AFC) home on May 12, 2010. Department Exhibit 4.

(2) The AFC home where the Claimant resides is a for-profit group living facility.

Department Exhibit 5.

(3) On June 2, 2010, the Department notified the Claimant that he was no longer eligible to receive FAP benefits because of his group living arrangements. This action was suspended pending an administrative hearing.

(4) The Department received the Claimant's request for a hearing on June 14, 2010, protesting the termination of his FAP benefits.

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).

Residents of certain group living facilities can qualify for FAP benefits. BEM 615. In order to be eligible for FAP as an AFC resident, the home must be nonprofit and licensed for 16 or fewer residents. BEM 615.

The Claimant is a FAP recipient. On June 2, 2010, the Department sent the Claimant a Shelter Verification form with a due date of June 14, 2010. The Claimant completed the form, and the Department received it on June 14, 2010. The Claimant reported to the Department that he was living at [REDACTED], an AFC group living facility. The owner of that facility certified that it is not a non-profit home on the Shelter Verification form.

Based on the evidence and testimony presented at the hearing, the Department established that it acted in accordance with policy when it determined that the Claimant was not eligible for FAP benefits because he resides in a non-eligible group living facility.

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: July 21, 2010

Date Mailed: July 22, 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/vc

cc:

