

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.: 201113700
Issue No.: 3014; 3015
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: February 9, 2011
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 telephone hearing was held on February 9, 2011. The Claimant appeared and testified. [REDACTED], ES appeared on behalf of the Department. [REDACTED] served as translator.

ISSUE

Was the Department correct in denying Claimant's FAP 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) Claimant applied for FAP benefits on November 3, 2010.
- (2) Claimant's household has \$2932 gross income.
- (3) The Department denied Claimant's application for FAP on November 8, 2010, due to excess income.
- (4) Claimant's adult children eat and prepare food with Claimant and his wife.
- (5) Claimant requested a hearing on January 4, 2011 contesting the denial of FAP benefits.

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”), formerly 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”), the Bridges Eligibility Manual (“BEM”), and the Program Reference Manual (“PRM”).

Department policy outlines whom is included in an FAP group: FAP group composition is established by determining: 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).

The relationship(s) of the people who live together affects whether they must be included or excluded from the group. First determine if they **must** be included in the group. If they are **not** mandatory group members, then determine if they purchase and prepare food together or separately. In general, persons who live together and purchase and prepare food together are members of the FAP group. BEM 212

In the present case, Claimant’s household has \$2932 gross income. The gross income limit for a household of 4 is \$2389. A household of 4 with a gross monthly income of \$2932 is not eligible for FAP. RFT 250. Therefore, the Department’s denial of benefits is proper and correct.

Claimant argued at hearing that his children should not be included in the household because they do not pay him any money towards expenses. Claimant stated that his daughter is saving all her money for an upcoming wedding. Claimant clearly stated at the time of application, that the entire household eats and prepares food together. Department policy is clear that people who eat and prepare food together must be included in the same household and their income is required to be considered. BEM 212.

Claimant changed his position in the middle of the hearing and stated that his daughter does not eat and prepare food with the rest of the family. This testimony is not credible.

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's FAP application, and it is ORDERED that the Department's decision in this regard be, and is, hereby AFFIRMED.



Aaron McClintic
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: February 17, 2011

Date Mailed: February 17, 2011

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.

AM/hw

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