

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

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No: 201116030
Issue No: 3029
Case No: [REDACTED]

Hearing Date:
March 2, 2011
Kent 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 January 21, 2011. After due notice, a telephone hearing was held on Wednesday, March 2, 2011, and the Claimant's husband participated in the hearing.

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 is an ongoing Food Assistance Program (FAP) recipient with a household size of four.
2. The Claimant was an ongoing Family Independence Program (FIP) recipient until September 22, 2010.
3. On March 9, 2011, this Administrative Law Judge issued a Decision and Order that upheld the Department's sanction on the Claimant's Family Independence Program (FIP) benefits for noncompliance with the Jobs, Education, and Training (JET) program (Reg. # 20115097).

4. Findings of Fact 1 through 6 (the entire findings) from the Decision and Order signed March 9, 2011, are hereby incorporated by reference.
5. On November 8, 2010, the Department decreased the Claimant's monthly FAP to \$338 due to noncompliance with the JET program.
6. The Department received the Claimant's request for a hearing on January 21, 2011, protesting the reduction of her monthly FAP allotment.

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).

The Department has a unique opportunity to assist families in becoming strong, viable, participative members of the community. By involving the adult members of the household in employment-related activities, we help restore self-confidence and a sense of self-worth. These are cornerstones to building strong, self-reliant families.

The goal of the Food Assistance Program is to ensure sound nutrition among children and adults. In addition, the goal of our employment-related policies for FAP households is to assist applicants and recipients toward self-sufficiency by providing them with opportunities to pursue employment and/or education and training. BEM 230B.

If the noncompliant customer:

- Received FIP and FAP on the date of noncompliance, see PEM 233B.
- Received RAP and FAP on the date of noncompliance, see PEM 233C.
- Did not receive FIP or RAP on the date of noncompliance, see PEM 233B.

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. A disqualified person is one who is ineligible for FAP because the person refuses or fails to cooperate in meeting an eligibility factor. BEM 212. Eligibility to receive FAP benefits requires participation in employment and/or self-sufficiency-related activities associated with the Family Independence Program (FIP). BEM 233B. Noncompliance without good cause, with employment requirements for FIP

may affect FAP if both programs were active on the date of the FIP noncompliance. BEM 233B. Bridges budgets all earned and unearned income of a person disqualified for non-cooperation with employment related activities. BEM 550.

In this case, the Claimant is an ongoing FAP recipient as a group of four. On September 22, 2010, the Department sanctioned the Claimant's FIP benefits due to noncompliance with the Jobs, Education, and Training program for noncompliance with the JET program. (See Administrative Hearing Reg. # 20115097). On November 8, 2010, the Department examined the Claimant's eligibility to receive FAP benefits and determined that her monthly FAP allotment would decrease to \$338 as of December 1, 2010. The Department continued to count the income of the Claimant and her husband for FAP budgeting purposes, but since the Claimant and her husband were disqualified on September 22, 2010, for noncompliance with the JET program, their FAP group size reduced to two as directed by Bridges Eligibility Manual 550.

The Claimant has four people living in her household and receives a net monthly income of \$95. The Claimant did not dispute the Department's determination of her household income. The Claimant and her husband are mandatory members of their FAP group, but were sanctioned due to noncompliance with the JET program. A FAP group of two with a net income of \$95 is entitled to a FAP allotment of \$338, which is the amount of FAP benefits granted to the Claimant for this period. RFT 260. I find that the Department has established that it acted in accordance with policy determining Claimant's FAP allotment.

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 Maura D. Corrigan, Director
Department of Human Services

Date Signed: March 9, 2011

Date Mailed: March 9, 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 date of the rehearing decision.

KS/tg

cc:

