

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg
Issue
Case

No: 2011 34038
No: 3014
No: [REDACTED]
Hearing Date:
9, 2011

June

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 hearing submitted on July 28, 2010. After due notice, a telephone hearing was conducted in Wayne County, Michigan on June 9, 2011. The Claimant was present and testified. The Claimant's father [REDACTED] also appeared and testified as a witness. [REDACTED], ES [REDACTED] and [REDACTED], ES [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's Food Assistance (FAP) application as he was already active and receiving benefits in another group.

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material and substantial evidence on the whole record, finds as material fact:

1. The Claimant applied for Food Assistance on February 10, 2010.

2. The Department denied the application because the Claimant was already receiving FAP on his mother's case on February 22, 2010.
3. The Claimant reapplied for FAP on May 1, 2010 and was granted FAP benefits in the amount of \$191. The Claimant currently receives FAP in the amount of \$200.
4. At the hearing the Claimant testified that he did not receive benefits for several months beginning in May 2010. The Claimant's testimony is not supported by the record and documentary evidence which demonstrated that he did receive FAP benefits from and after May 2010. Exhibit 2.
5. At the time of his application the Claimant was 32 years old.
6. The claimant requested a hearing on February 16, 2010 protesting the denial of his FAP application.

CONCLUSIONS OF LAW

FOOD ASSISTANCE

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 (formerly known as the Family Independence Agency) administers the FAP program pursuant to CML 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) and the Bridges Reference Manual (BRM).

In this instance the Department denied the Claimant's FAP application because the Claimant was already receiving FAP benefits as a member of his mother's existing FAP group and was therefore already open in another FAP group as member. The Department policy provides:

A person cannot be a member of more than one FAP Certified Group (CG) in any month. BEM 222, page 2.

Based upon the foregoing policy the Department correctly denied the Claimant's FAP application as at the time of his FAP application he was already receiving benefits as a result of his membership in his mother's FAP group. The Department's determination denying the Claimant's FAP application was correct and is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the findings of fact and conclusions of law, finds that the Department correctly denied the Claimant's February 10, 2010 Food Assistance Application and its determination is AFFIRMED.



Lynn M. Ferris

Law Judge
Maura Corrigan, Director
of Human Services

Administrative
for
Department

Date Signed: June 13, 2011

Date Mailed: June 14, 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

LMF/cl

cc:

