

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

IN THE MATTER OF:



Reg. No: 2011777
Issue No: 3014
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 28, 2010
Manistee County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 October 28, 2010. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly deny Claimant's August 25, 2010 application for Food Assistance Program (FAP) benefits?

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 was a recipient of Food Assistance Program (FAP) benefits as a member of her father's benefit group.
- (2) On August 25, 2010 Claimant had moved out of her father's and submitted an application for Food Assistance Program (FAP) benefits. Claimant was still a member of her father's benefit group.
- (3) On September 14, 2010 Claimant was sent a Notice of Case Action (DHS-1605) stating her application was denied because even though she was being removed from her father's case, she was still on her father's case for issuance of benefits in September 2010.

- (4) On September 24, 2010 Claimant submitted a request for hearing.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Department policy provides the following guidance for case workers. The Department's policies are available on the internet through the Department's website.

BEM 222 CONCURRENT RECEIPT OF BENEFITS

DEPARTMENT POLICY

All Programs

Concurrent receipt of benefits means assistance received from **multiple** programs to cover a person's needs for the same time period. Certain restrictions apply, as specified in this item.

Benefit duplication means assistance received from the **same** (or same **type** of) program to cover a person's needs for the same month.

For example, FIP from Michigan and similar benefits from another state's cash assistance program. As specified in the balance of this item, benefit duplication is prohibited **except** for MA and FAP in limited circumstances (see **MA Benefits** and **FAP Benefits** in this item). See BEM 203, Criminal Justice Disqualifications, for penalties for individuals found to have received duplicate assistance.

FAP Benefits

FAP Only

A person **cannot** be a member of more than one FAP Certified Group (CG) in any month.

A person **cannot** receive FAP in more than one state for any month.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly denied Claimant's August 25, 2010 application for Food Assistance Program (FAP) benefits.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHeld.

/s/ _____
Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 28, 2010

Date Mailed: October 29, 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.

GFH/vc

cc:

