

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No: 201228171  
Issue No: 3014  
Case No: [REDACTED]  
Hearing Date: March 6, 2012  
Macomb County DHS

**ADMINISTRATIVE LAW JUDGE:** Christopher S. Saunders

**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 March 6, 2012. The claimant personally appeared and provided testimony.

**ISSUES**

Whether the department properly closed the claimant's Food Assistance Program (FAP) case?

**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 was a recipient of FAP benefits at all time pertinent to this hearing.
2. On December 2, 2011, the department sent the claimant a notice of case action stating that his FAP benefit case would be closing due to him being added to his wife's case. (Department Hearing Summary).
3. The claimant filed a request for hearing on December 7, 2011, protesting the closure of his FAP case.

**CONCLUSIONS OF LAW**

As a preliminary matter, the claimant originally stated on his hearing request that he was requesting a hearing regarding Food Assistance Program (FAP), State Disability Assistance (SDA), and Medical Assistance (MA) benefits. However, the claimant testified that he was requesting the portion of his hearing pertaining to his SDA and MA

benefits due to a previous decision from March of 2010. This Administrative Law Judge does not have jurisdiction to hear this portion of the claimant's hearing request because the action in question is beyond the 90 day requirement as found in BAM 600. Accordingly, the portion of the claimant's hearing request pertaining to his SDA and MA benefits is hereby dismissed.

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1)

Clients have the right to contest a department decision affective eligibility for benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600.

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).

Policy states that a person cannot be a member of more than one certified group in any month. BEM 222. In order to determine who is included in the certified group, the department examines the relationship between individuals, where individuals live, and who purchases and prepares meals together. Policy states as follows:

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).

## **RELATIONSHIPS**

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.

**Spouses**

**Spouses** who are legally married and live together **must** be in the same group.

**LIVING WITH**

**Living with** means sharing a home where family members usually sleep and share **any** common living quarters such as a kitchen, bathroom, bedroom or living room. Persons who share **only** an access area (e.g., entrance or hallway) or non-living area (e.g., laundry) are **not** considered living together.  
BEM 212.

In the case at hand, the claimant is disputing the closure of his FAP case to facilitate his addition to his wife's case. The claimant and his wife live together; therefore, they must be included in the same certified group. Additionally, because the claimant can only be a member of one certified group, one case (either his or his wife's) was required to be closed. The department representative testified that the claimant's case was closed and he was added to his wife's case because his wife currently has an open Medical Assistance (MA) case and her testimony was that because of his wife's MA case, it was easier to close the claimant's case as opposed to his wife's. Policy does not indicate that the action taken by the department was improper in this matter. Additionally, the end result is that the claimant still maintains benefits, only they are now on his wife's case. Accordingly, this Administrative Law Judge finds that the department acted properly in closing the claimant's FAP case to add him to his wife's.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department did properly close the claimant's FAP case due to his being added to his wife's case.

Accordingly, the department's actions are **AFFIRMED**.

It is SO ORDERED.

/s/  
Christopher S. Saunders  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: March 13, 2012

Date Mailed: March 13, 2012

**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.

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