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

IN THE MAT	TER OF:	Reg. No: Issue Code: Case No: Hearing Date:	201275987 3014 October 16, 2012	
		Kent County DH	•	
ADMINISTRATIVE LAW JUDGE: COREY A. ARENDT				
HEARING DECISION				
This matter is before the undersigned Admini strative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claim ant's request for a hearing. After due notice, a telephone hearing was held on Oc tober 16, 2012 from Lansing, Michigan. Participants on behalf of Claimant included Participants on behalf of the Department of Human Services (Department) included				
<u>ISSUE</u>				
Did the Department properly close the Claimant's F ood Assistance Program (FAP) case?				
FINDINGS OF FACT				
I find as material fact, based upon the com petent, material and substantial evidence on the whole record:				
1.	On August 28, 2012, Claimant's home to conduct an inves application.	-	stigator) went to the ng FAP	
2.	During the investigation, the Claima the home, their relationships and together.		ify who else lived in and prepared food	
3.	On Augus t 29, 2012, Department worker regarding his firecommended the Clahe could not determine the group country and prepared food together.	indi ngs at the Cla aimant's FAP ca s	se be closed because	

- 4. On August 29, 2012, the Department sent the CI aimant a notice of case action. The notice indicated the Claimant's FAP benefits were closin geffective October 1, 2012.
- 5. On September 5, 2012, the Claim ant requested a hear ing to protest the August 29, 2012, notice of case action.

CONCLUSIONS OF LAW

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 oppor tunity for a hearing shall be granted to an ap plicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1).

Clients have the right to contest a Departm ent decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The Department will provide an administrative hearing to rev iew the decision and determine the appropriateness of that decision. BAM 600.

The FAP (formerly known as the Food Stam p (FS) program) was established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in T itle 7 of t he Code of Federal Regulations (CF R). The Department administers the FAP program pursuant to MCL 400.10, et seq., and MAC R 400.3001-3015. Department policies are f ound in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

Department policy indicates that clients must cooperate with the loca of loffice in determining initial and ongoing eligibility with all programs. (BAM 105). This includes completion of the necessary forms. Clied nts who are able to but refuse to provide necessary information or take a required action are subject to penalties. BAM 105.

Bridges assists the Department in determining who must be included in the FAP group. The FAP group composition is established by determining BEM 212:

- Who lives together.
- The relationship(s) of the people who live together.
- Whether the people living together purchase and pr epare food together or separately.
- Whether the person(s) reside in an eligible living situation.

The relationship(s) of the people who liv etogether affects whether they must be included or excluded from the group. Spouses who are legally married and live together must be in the same group. Parents and their children under 22 years of age who live together must be in the same group regardless of whether the child has his/her own spouse or child who lives with the group. BEM 212.

Living with means sharing a hom e 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-liv ing area (e.g., laundry) are not considered living together. BEM 212.

The phras e, purchase and pr epare together, is meant to describe persons who customarily share food in common.

Persons customarily share food in common if:

- They each contribute to the purchase of food.
- They share the preparation of food, regardless of who paid for it.
- They eat from the same food supply, regardless of who paid for it.

In general, persons who live t ogether and purchase and prepare food together are members of the FAP group.

Based on the evidence presented, I find the Department properly requested information regarding the Claimant's group composition and the Claimant refused to cooperate. A requirement to maintaining eligibility for public ass istance is to cooperate with the Department to allow the Department the ability to determine ongoing eligibility. The Department legitimately was concerned with the Claimant's group composition after receiving an application from another individual who claimed to have lived alone at the Claimant's address on record.

Accordingly, I affirm the Agency's actions in this matter.

DECISION AND ORDER

I find, based upon the above findings of fact and conclusions of law, the Department properly determined the Claimant's FAP eligibility.

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

/s/	
_	Corey A. Arendt
	Administrative Law Judge
	for Maura D. Corrigan, Director
	Department of Human Services

Date Signed: October 17, 2012

Date Mailed: October 17, 2012

201275987/CAA

NOTICE: Administrative Hearings may or der 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 Hear ings will not orde rarehearing 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 ti mely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

CAA/las

