

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012-49768
Issue No.: 2001; 3019
Case No.: [REDACTED]
Hearing Date: June 26, 2012
County: Kalamazoo

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, an in-person hearing was held on June 26, 2012, at the Kalamazoo County DHS office. Claimant personally appeared and provided testimony. Participants on behalf of Department of Human Services (Department) included Eligibility Specialist [REDACTED]

ISSUE

Did the Department properly deny Claimant's Food Assistance Program (FAP) and Adult Medical Program (AMP) application?

FINDINGS OF FACT

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

1. On April 10, 2012, Claimant applied for FAP and AMP benefits.
2. On April 12, 2012, the Department denied Claimant's application indicating that the AMP program was frozen to new enrollments, and Claimant was receiving three meals a day through the shelter she was residing at.
3. On April 23, 2012, Claimant filed a hearing request contesting the department's denial of FAP and AMP benefits.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

The Adult Medical Program (AMP) is established by Title XXI of the Social Security Act; (1115)(a)(1) of the Social Security Act, and is administered by the Department of Human Services (DHS or department) pursuant to MCL 400.10, *et seq.*

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 (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3001 through R 400.3015.

During the hearing, Claimant testified that she was still living in the homeless shelter which provided three meals day, but she was not always able to make the meals due to conflicts in her schedule and the meals were not healthy and she wanted the opportunity to buy healthier food. Departmental policy directs that a person is a resident of an institution when the institution provides the majority of his meals as part of its normal services. Residents of institutions are **not** eligible for FAP. BEM 212. Therefore, because Claimant is admittedly a resident of a facility that provides her meals as part of its normal services, Claimant is not eligible for FAP.

Claimant also applied for MA benefits under the AMP category. Enrollment in AMP was currently frozen to new enrollments when the Claimant submitted her application. Applications received during the freeze on AMP enrollments must be registered and denied using “applicant did not meet other eligibility requirements” as the denial reason. BEM 640.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department acted properly when they denied Claimant’s FAP and AMP application.

Accordingly, the Department’s FAP and AMP decision is AFFIRMED.

/s/

Vicki L. Armstrong
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 6/28/12

Date Mailed: 6/28/12

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

VLA/ds

■ [REDACTED]