

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201276164

Issue No: 3008

Case No: [REDACTED]

Hearing Date: October 17, 2012
Kent 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 17, 2012. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly close Claimant's Food Assistance Program (FAP) for failure to provide verifications?

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 an ongoing recipient of Food Assistance Program (FAP) benefits.
2. On August 7, 2012, Claimant submitted a Shelter Verification (DHS Form 3688) which stated he lived at the [REDACTED] as his [REDACTED].
3. On August 14, 2012, Claimant was sent Verification Checklist (DHS Form 3503) requesting information on his [REDACTED]. The verifications were due on August 24, 2012.
4. On August 28, 2012, the Department had not received the required verifications. Claimant was sent a Notice of Case Action (DHS-1605) which stated his Food Assistance Program (FAP) benefits would end on October 1, 2012.
5. On September 5, 2012, 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).

In this case Claimant testified that: he did not live with [REDACTED]; they were in the process of getting a [REDACTED]; and [REDACTED] told [REDACTED] not to give him [REDACTED] any of [REDACTED]. Department policy provides the following guidance for case workers. The Department's policies are available on the internet through the Department's website.

BEM 212 FOOD ASSISTANCE PROGRAM GROUP COMPOSITION DEPARTMENT POLICY

Bridges will help determine who must be included in the Food Assistance Program (FAP) group prior to evaluating the non financial and financial eligibility of everyone in the group. FAP group composition is established by determining all of the following:

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.
4. Whether the person(s) resides in an eligible living situation; see **LIVING SITUATIONS** in this item.

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.

In this case Claimant submitted the Shelter Verification (DHS Form 3688) which indicated he was staying in a [REDACTED] at his [REDACTED]. Regardless of whether Claimant submitted a fraudulent document, the Department properly relied on the information he provided for determining his Food Assistance Program (FAP) eligibility. The policy include above clearly states that based on the Shelter Verification (DHS Form 3688) Claimant submitted [REDACTED] was a mandatory group member of his Food Assistance Program (FAP) benefit group. The Department is required to obtain financial and asset information on all Food Assistance Program (FAP) benefit group members in order to determine eligibility. Claimant's [REDACTED] refusal to provide the required verifications does not negate the legal requirements of the Department for determining eligibility and issuing Food Assistance Program (FAP) benefits.

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 closed Claimant's Food Assistance Program (FAP) for failure to provide verifications.

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 Maura D. Corrigan, Director
Department of Human Services

Date Signed: October 21, 2012

Date Mailed: October 22, 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.

GFH/tb

cc:

