

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2013-52942
Issue Code: 3014
Case No: [REDACTED]
Hearing Date: July 17, 2013
Grand Traverse County DHS

ADMINISTRATIVE LAW JUDGE: COREY A. ARENDT

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, a telephone hearing was held on July 17, 2013 from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED] [REDACTED] and [REDACTED] [REDACTED].

ISSUE

Did the Department properly close the Claimant's Food Assistance Program (FAP) case?

FINDINGS OF FACT

I find as material fact, based upon the competent, material and substantial evidence on the whole record:

1. As of October 25, 2012, the Claimant was receiving FAP benefits.
2. On October 25, 2012, the Office of Inspector General (OIG) was sent a FEE referral regarding [REDACTED] [REDACTED] and the possibility [REDACTED] [REDACTED] was living at the Claimant's address.
3. The OIG Agent assigned to the Fee investigation discovered [REDACTED] [REDACTED] was using the Claimant's address on his vehicle registration, driver's license and with his employer. The OIG Agent concluded based upon those verifications that [REDACTED] [REDACTED] was living with the Claimant.
4. From October 25, 2012 through May 9, 2013, the Department received fraud complaints alleging [REDACTED] [REDACTED] was living with the Claimant.

5. On or around May 18, 2013, the Department added [REDACTED] [REDACTED] to the Claimant's case.
6. On May 18, 2013, the Department sent the Claimant a verification checklist requesting verifications of [REDACTED] [REDACTED] income and assets.
7. As of June 3, 2013, the Claimant had not produced the requested verifications.
8. On June 3, 2013, the Department sent the Claimant a notice of case action. The notice indicated the Claimant's FAP benefits were being closed for failure to verify information.
9. On June 7, 2013, the Claimant requested a hearing to protest the FAP closure.
10. [REDACTED] [REDACTED] is the father of one of the Claimant's children.
11. On or around June 14, 2013, [REDACTED] [REDACTED] changed his address with his employer and with the State of Michigan.

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 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 affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The Department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600.

The FAP (formerly known as the Food Stamp (FS) program) was 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 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 Bridges Reference Manual (BRM).

Department policy indicates that clients must cooperate with the local office in determining initial and ongoing eligibility with all programs. (BAM 105). This includes completion of the necessary forms. Clients 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 prepare food together or separately.
- Whether the person(s) reside in an eligible living situation.

The relationship(s) of the people who live together 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.

Verification of address includes but is not limited to, driver's licenses, Id's, rent receipts, utility bills and collateral contacts. BEM 220.

Based upon the evidence presented during the hearing, I find that more likely than not, [REDACTED] was living and residing with the Claimant during the time periods in question and therefore, his income and assets were needed to verify ongoing eligibility. And because the Claimant did not verify the information as requested, the Department acted accordingly in closing the Claimant's FAP case.

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**.



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

Date Signed: July 18, 2013

Date Mailed: July 18, 2013

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.

CAA/las

cc:

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