

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

**IN THE MATTER OF:**

████████████████████  
████████████████████  
████████████████████

Reg. No.: 2014-4201  
Issue No.: 3003  
Case No.: ██████████  
Hearing Date: November 12, 2013  
County: Wayne (17)

**ADMINISTRATIVE LAW JUDGE:** Eric Feldman

**HEARING DECISION**

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on November 12, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant's husband, ██████████ and Claimant's friend/interpreter, ██████████. Participants on behalf of the Department of Human Services (Department or DHS) included ██████████ Assistant Payment Worker.

**ISSUE**

Did the Department properly close Claimant's Food Assistance Program (FAP) benefits effective October 1, 2013, ongoing, due to Claimant's failure to comply with the verification requirements?

**FINDINGS OF FACT**

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

1. Claimant was an ongoing recipient of FAP benefits. See Exhibit 1.
2. The household size includes Claimant, her husband, and son. See Exhibit 1.
3. Claimant's son is under the age of 22 and lives with the parents (Claimant and her husband).

4. On an unspecified date, the Department system indicated that Claimant's son had employment earnings for the fourth quarter of 2012 and it requested verification of such employment.
5. On August 23, 2013, the Department sent Claimant a Verification of Employment, which was due back by September 3, 2013. See Exhibit 1.
6. On August 29, 2013, Claimant's husband completed the form and not the employer, in which he indicated that his son is not a FAP group member. See Exhibit 1.
7. On September 16, 2013, the Department sent Claimant a Notice of Case Action notifying her that her FAP benefits closed effective October 1, 2013, ongoing, due to Claimant's failure to comply with the verification requirements. See Exhibit 1.
8. On October 3, 2013, Claimant's husband filed a hearing request, protesting the FAP case closure. See Exhibit 1.

### **CONCLUSIONS OF LAW**

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 271.1 to 285.5. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10 and Mich Admin Code, R 400.3001 to .3015.

Clients must cooperate with the local office in determining initial and ongoing eligibility. BAM 105 (July 2013), p. 6. This includes completion of necessary forms. BAM 105, p. 6.

For FAP cases, the Department allows the client 10 calendar days (or other time limit specified in policy) to provide the verification it requests. BAM 130 (July 2013), p. 5. The Department sends a negative action notice when: the client indicates refusal to provide a verification, or the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130, p. 6.

In this case, Claimant was an ongoing recipient of FAP benefits. See Exhibit 1. The Department testified that its system indicated that Claimant's son had employment earnings for the fourth quarter of 2012 and it requested verification of such employment. At the hearing, the Department provided an other income document, which indicated under the wage match section that Claimant's son had employment. See Exhibit 1. Thus, on August 23, 2013, the Department sent Claimant a Verification of Employment,

which was due back by September 3, 2013. See Exhibit 1. The Department requested such documentation because it testified that the income was needed to be budgeted. A review of the Verification of Employment indicated that the income information was necessary from July 1, 2012 to March 30, 2013. See Exhibit 1. It appeared that the Department was requesting this time period due to the other income document showing the son had earnings for the fourth quarter of 2012. It is unclear, though, why the Department did not request employment verification from March 2013, ongoing. Nevertheless, on August 29, 2013, Claimant's husband completed the form and not the employer, in which he indicated that his son is not a FAP group member. See Exhibit 1. Thus, on September 16, 2013, the Department sent Claimant a Notice of Case Action notifying her that her FAP benefits closed effective October 1, 2013, ongoing, due to Claimant's failure to comply with the verification requirements. See Exhibit 1.

At the hearing, Claimant's husband testified that his son was no longer a FAP group member when his benefits decreased in August 2011. Claimant's husband testified that he notified the Department of this change back in 2011. Moreover, Claimant's husband testified that his son got married in September 2013 and stated that his son still lives with the parents (Claimant and her husband). However, Claimant's husband testified that his son purchases and prepares food separately. Claimant's husband testified that his son is currently 21-years-old. Claimant's husband was aware that his son worked, but was unsure of the employer's name.

The Department presented evidence that at the time of the Verification of Employment, the FAP group composition included Claimant, her husband, and her son. See Exhibit 1. There were no records which indicated that the son was separate from the FAP group.

For FAP group composition, the relationship(s) of the people who live together affects whether they must be included or excluded from the group. BEM 212 (July 2013), p. 1. The Department first determines if they must be included in the group. BEM 212, p. 1. If they are not mandatory group members, then the Department determines if they purchase and prepare food together or separately. BEM 212, p. 1.

Children include natural, step and adopted children. BEM 212, p. 1. Parents and their children under 22 years of age who live together must be in the same group regardless of whether the child(ren) have their own spouse or child who lives with the group. BEM 212, p. 1.

Based on the foregoing information and evidence, the Department properly closed Claimant's FAP benefits effective October 1, 2013, ongoing, in accordance with Department policy.

First, Claimant's son is a mandatory FAP group member. The son must be a mandatory group member even though Claimant's husband states that the son purchases and prepares the food separately. The son lives with the parents and is under the age of 22. See BEM 212, p. 1. Moreover, it does not matter if the son is

married. Parents and their children under 22 years of age who live together must be in the same group regardless of whether the child(ren) have their own spouse or child who lives with the group. BEM 212, p. 1. Based on the this information, Claimant's son is a mandatory group member because he lives with his parents and is under the age of 22, regardless of whether the son has a spouse. BEM 212, p. 1.

Second, it was appropriate for the Department to request verification of Claimant's son's employment because the son was a mandatory group member who had income that had to be budgeted. Claimant's husband completed the Verification of Employment form, which indicated that his son is no longer on the case. See Exhibit 1. It should be noted that the Verification of Employment form indicated that the son moved out. See Exhibit 1. However, at the time of hearing, Claimant's husband testified that the son still lives with him, which is opposite of what the form states. Nevertheless, the Verification of Employment was not completed appropriately. The Department provided credible evidence that the son had income. See Exhibit 1. Claimant failed to complete the necessary information to determine the ongoing FAP eligibility. BAM 105, p. 6; BAM 130, p. 6.

### **DECISION AND ORDER**

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it properly closed Claimant's FAP benefits effective October 1, 2013, ongoing.

Accordingly, the Department's FAP decision is AFFIRMED.



**Eric Feldman**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: November 18, 2013

Date Mailed: November 18, 2013

**NOTICE OF APPEAL:** 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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 (60 days for FAP cases).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings  
Reconsideration/Rehearing Request  
P.O. Box 30639  
Lansing, Michigan 48909-07322

EJF/cl

cc:

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]