

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 2014-7409
Issue No.: 3019
Case No.: ██████████
Hearing Date: November 20, 2013
County: SSPC – East (98)

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 three-way telephone hearing was held on November 20, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and Claimant's mother, ██████ ██████. Participants on behalf of the Department of Human Services (Department or DHS) included ██████████ Department Manager.

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP) benefits effective November 1, 2013, ongoing?

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 September 30, 2013, Claimant applied online for FAP benefits.
2. On October 3, 2013, the Department sent Claimant a Verification Checklist (VCL) regarding his shelter expenses, in which it was due back by October 14, 2013. See Exhibit 1.
3. On October 4, 2013, the Department conducted a telephone interview with Claimant and his mother.

4. Claimant was approved for expedited FAP benefits and on October 4, 2013, the Department sent Claimant a Notice of Case Action notifying him that his FAP benefits were approved for October 2013 in the amount of \$200. Exhibit 1.
5. In October 2013, the Department requested a Front End Eligibility (FEE) referral regarding Claimant's FAP group composition. See Exhibit 1.
6. On October 11, 2013, the Department received verification of Claimant's shelter expenses. See Exhibit 1.
7. On October 17, 2013, the FEE investigation was completed and concluded that Claimant resides with both parents based on a telephone interview conducted by a DHS agent on that same day. See Exhibit 1.
8. On October 17, 2013, the Department then contacted the Claimant regarding the FAP group composition and Claimant verbally withdrew his FAP application.
9. On October 17, 2013, the Department sent Claimant a Notice of Case Action notifying him that his FAP benefits would close effective November 1, 2013, ongoing, due to him requesting withdrawal of his FAP benefits. See Exhibit 1.
10. On October 21, 2013, Claimant filed a hearing request, protesting his FAP case closure. 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.

The relationship(s) of the people who live together affects whether they must be included or excluded from the group. BEM 212 (October 2013), p. 1. First, the Department 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.

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.

In this case, on September 30, 2013, Claimant applied for FAP benefits for only himself (group size one). On October 4, 2013, the Department conducted a telephone interview with Claimant and his mother. During the telephone interview, the Department testified that Claimant stated he was responsible for purchasing and preparing his own meals for a group size of one. The Department also testified that Claimant received Supplemental Security Income (SSI) and he has rental expenses. Then, the Department testified that during the interview, Claimant stated he did not live with his mother, however, the mother got on the phone and completed the phone interview.

At the hearing, Claimant testified that he is responsible for purchasing and preparing his own meals. This is supported by the fact that Claimant's request for hearing stated that he has a separated living quarter and he is responsible for cooking and buying his own food. See Hearing Request, Exhibit 1. Claimant also testified that he told the Department that he lived with his mother during the interview. Additionally, Claimant's mother stated that her son has always lived with her and that he is 19-years-old.

Also, on October 3, 2013, the Department sent Claimant a VCL regarding his shelter expenses, in which it was due back by October 14, 2013. See Exhibit 1. Claimant was also approved for expedited FAP benefits and on October 4, 2013, the Department sent Claimant a Notice of Case Action notifying him that his FAP benefits were approved for October 2013 in the amount of \$200. Exhibit 1. On October 11, 2013, the Department received verification of Claimant's shelter expenses. See Exhibit 1.

Additionally, in October 2013, the Department requested a Front End Eligibility (FEE) referral regarding Claimant's FAP group composition. See Exhibit 1. The Department testified that it requested the referral because Claimant is under the age of 22 and wanted to determine his living situation, i.e. group composition. See Exhibit 1.

On October 17, 2013, the FEE investigation was completed. The Department provided an e-mail from the DHS agent, which stated that Claimant resides with both parents. See Exhibit 1. It should be noted that the DHS agent listed the alleged names that Claimant supposedly stated. See Exhibit 1. Claimant testified, though, the name of the father is incorrect. Moreover, Claimant testified that he never lived with both his parents and only his mother.

Finally, on October 17, 2013, the Department contacted the Claimant regarding the FAP group composition. The Department testified that it asked the Claimant if he wanted to add his mother and father to his case. The Department testified that instead, Claimant verbally withdrew his FAP application. Thus, on October 17, 2013, the Department sent Claimant a Notice of Case Action notifying him that his FAP benefits would close effective November 1, 2013, ongoing, due to him requesting withdrawal of his FAP benefits. See Exhibit 1.

Claimant testified that he did verbally withdraw his application because the DHS caseworker (who is not present for the hearing) kept questioning him that his father lived in the home. Claimant testified that he stated he lives with his mother and sister, but that his father did not reside with them. Claimant inferred that the DHS caseworker

kept pressuring him about the father and he ultimately decided to withdraw his application. Claimant testified that there was miscommunication present.

When a recipient is no longer eligible or *requests case closure*, the Department does all of the following:

- Enter all appropriate information, including verification sources, in the system to document ineligibility, or the client's request that the program(s) be closed.
- Run EDBC in the system and certify the eligibility results.
- Make appropriate referrals for other programs or services.

BAM 220 (July 2013), pp. 18-19 (emphasis added). The Department sends the appropriate notice based on the case action taken. BAM 220, p. 19.

Based on the foregoing information and evidence, the Department properly closed Claimant's FAP benefits effective November 1, 2013, ongoing. The Department presented credible testimony and evidence that Claimant indicated he lived with both parents. Nevertheless, even though Claimant had difficulty in speaking with the DHS caseworker on October 17, 2013, he ultimately withdrew his application. Claimant agreed that he verbally withdrew his application and the Department properly acted upon his request. BAM 220 states the procedures when the Claimant requests case closure and the Department properly followed these procedures by sending the appropriate notice on October 17, 2013. See BAM 220, p. 19. Thus, the Department properly closed his FAP benefits based on his request for case closure.

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 November 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 26, 2013

Date Mailed: November 26, 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]