

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2014-24123  
Issue No(s): 3001  
Case No.: [REDACTED]  
Hearing Date: February 20, 2014  
County: Macomb County DHS #12

**ADMINISTRATIVE LAW JUDGE:** Colleen Lack

**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 February 20, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] father and Authorized Hearing Representative. Participants on behalf of the Department of Human Services (Department) included [REDACTED] Eligibility Specialist.

**ISSUE**

Did the Department properly deny the Claimant's Food Assistance Program (FAP) 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 December 23, 2013, the Claimant applied for FAP.
2. On January 21, 2014, an interview was completed with the Claimant's father/representative resulting in all family members in the home being added to the FAP group.
3. On January 22, 2014, a Notice of Case Action was issued to the Claimant stating the FAP application was denied based on excess income.
4. On January 28, 2014, the Claimant filed a request for hearing protesting the Department's action.

## 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.

Additionally, 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; and 4) whether the person(s) resides in an eligible living situation. BEM 212. 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. **Note:** For ongoing and intake applications where the child(ren) are not yet 22, they are potentially eligible for their own case, the month after turning 22. BEM 212 (emphasis in original).

On December 23, 2013, the Claimant applied for FAP. On January 21, 2014, an interview was completed with the Claimant's father/representative resulting in all family members in the home being added to the FAP group. The Claimant was under age 22 and lives with her parents. Accordingly, the Department added the parents and other children in the home to the Claimant's FAP application and considered their income, assets and allowable expenses when determining the FAP group's eligibility.


The Claimant's father testified that the Claimant is 19 years old, does things on her own, and is just living with him until she gets out of school at age 26. The Claimant is bi-polar and sometimes she cannot think for herself, so sometimes she receives help.

It was uncontested that the Claimant is under 22 years of age and lives with her parents. Accordingly, the Department's policy requires the parents be added to the FAP group, regardless of whether or not the Claimant purchases and prepares food separately. The eligibility Specialist testified that the other children in the home were also added to the FAP group. The income, assets and expenses for the entire FAP group were budgeted, and there was no eligibility due to excess income. (Exhibit 1) There was no evidence contesting the income and expense figures utilized by the Department for the Claimant's FAP group. Accordingly, the Department's determination to deny the Claimant's FAP application must be upheld.

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 denied the Claimant's FAP application.

**DECISION AND ORDER**

Accordingly, the Department's decision is **AFFIRMED**.

  
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Colleen Lack  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: February 27, 2014

Date Mailed: February 27, 2014

**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

201424123/CL

P.O. Box 30639  
Lansing, Michigan 48909-07322

CL/hj

cc:

