

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 14-011400  
Issue No.: 3001, 3008  
Case No.: [REDACTED]  
Hearing Date: October 09, 2014  
County: Genesee-District 6

**ADMINISTRATIVE LAW JUDGE:** Kevin Scully

**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 October 9, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] and [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

**ISSUE**

Did the Department properly determine the Claimant's Food Assistance Program (FAP) benefits?

**FINDINGS OF FACT**

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

1. The Claimant is an ongoing Food Assistance Program (FAP) recipient.
2. On July 14, 2014, the Claimant reported to the Department that [REDACTED] was a member of her household.
3. On August 1, 2014, the Claimant reported to the Department that [REDACTED] had not lived in her household since January of 2014.
4. On August 14, 2014, the Department notified the Claimant that it would reduce her monthly Food Assistance Program (FAP) allotment to \$ [REDACTED].
5. On September 4, 2014, the Department received the Claimant's request for a hearing, protesting the amount of her Food Assistance Program (FAP) benefits.

## **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 273. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001 to .3015.

FAP group composition is established by determining who lives together, the relationship of the people who live together, whether the people living together purchase and prepare food together or separately, and whether the persons resides in an eligible living situation. Department of Human Services Bridges Eligibility Manual (BEM) 212 (November 1, 2012), p 1.

All earned and unearned income available to the Claimant is countable. Earned income means income received from another person or organization or from self-employment for duties for duties that were performed for compensation or profit. Unearned income means all income that is not earned, including but not limited to funds received from the Family Independence Program (FIP), State Disability Assistance (SDA), Child Development and Care (CDC), Medicaid (MA), Social Security Benefits (RSDI/SSI), Veterans Administration (VA), Unemployment Compensation Benefits (UCB), Adult Medical Program (AMA), alimony, and child support payments. The amount counted may be more than the client actually receives because the gross amount is used prior to any deductions. Department of Human Services Bridges Eligibility Manual (BEM) 500 (July 1, 2014).

The Claimant was an ongoing Food Assistance Program (FAP) recipient when she participated in a routine redetermination of her eligibility to receive continuing benefits. On July 14, 2014, the Claimant reported to the Department that [REDACTED] was a member of her household.

On August 1, 2014, the Claimant reported to the Department that the forms that she had acknowledged as being accurate were not correct, and that [REDACTED] has not lived in her household since January of 2014.

The Department conducted an eligibility investigation into the circumstances surrounding the Claimant's eligibility for the Food Assistance Program (FAP). The Department determined that [REDACTED] uses the Claimant's address as his address of residence on file with the Michigan Secretary of State. Group member [REDACTED] is the owner of the property where the Claimant resides as recorded by the Genesee County Treasurer, and [REDACTED] requested a homestead exemption on this property. Group member [REDACTED] uses the Claimant's address as his residence address on record with his employer.

The Claimant argued that group member [REDACTED]. had been living in her household, but left the home after an incident of domestic violence. The Claimant failed to present evidence of this incident of domestic violence other than her testimony.

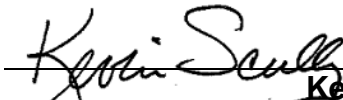
This Administrative Law Judge finds that the Department presented substantial evidence supporting a finding that group member J.S. is a member of the Claimant's household and a Food Assistance Program (FAP) benefit group member. The Department presented substantial evidence that it properly determined the Claimant's Food Assistance Program (FAP) benefits based on the inclusion of J.S. in her benefit group.

The Claimant failed to present sufficient evidence that the signed statement's she submitted on July 14, 2014, were inaccurate, or that [REDACTED]. has not been a member of her household.

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 determined the Claimant's Food Assistance Program (FAP) benefit group composition and determined her monthly allotment of benefits based on this group composition.

### **DECISION AND ORDER**

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

  
\_\_\_\_\_  
**Kevin Scully**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: **10/14/2014**

Date Mailed: **10/14/2014**

KS/las

**NOTICE OF APPEAL:** A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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

cc:

