

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 14-016222  
Issue No.: 3001  
Case No.: [REDACTED]  
Hearing Date: December 15, 2014  
County: WAYNE- 35 (REDFORD)

**ADMINISTRATIVE LAW JUDGE: Lynn Ferris**

**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 December 15, 2014, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Hearing Facilitator.

**ISSUE**

Did the Department properly deny the Claimant's Food Assistance (FAP) application based on excess gross income?

**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 applied for Food Assistance on October 23, 2014.
2. The Claimant's application indicated that his daughter and her mother were living in the home and had earned income.
3. The Department denied the application due to excess income, as it deemed the Claimant's FAP group to be a group of three individuals because of the relationship of the Claimant as parent to his daughter, and the fact that the daughter's mother also lived in the house. Exhibit 1
4. The Claimant's daughter and her mother were not seeking Food Assistance benefits. Exhibit 1 on October 27, 2014

5. The Department denied the Claimant's application indicating the gross income of the group exceeds the income limit. The Department used a monthly income of [REDACTED] in making its determination. Exhibit 2
6. The Claimant requested a hearing on November 14, 2014, protesting the Department's denial of his application.

### **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.

Additionally, in this case the Department denied the Claimant's Food Assistance application based on excess gross income. The Claimant disputed the inclusion by the Department of his daughter and her mother, who he was living with in his Food Assistance group. The Claimant and his daughter's mother never married. The Department relied on Department policy found in BEM 212. When determining Food Assistance Program group composition, policy directs the following as regards parents and children:

Children include natural, step and adopted.

Parents and their children **under** 22 years of age who live together **must** be in the same group regardless of whether the child have their own spouse or child who lives or the group. BEM 212 (7/1/14), p.1.

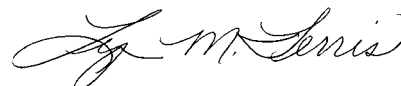
Based upon the clearly stated requirements found in BEM 212, it is determined that the Department correctly included the Claimant's daughter and her mother as his group members and, therefore, was required to use and include their income, even though they were not applicants for Food Assistance when determining the Claimant's Food Assistance eligibility. Once the mother and daughter were determined to be FAP group members, Department policy requires that their income be used in determining Food Assistance eligibility. The gross income limit for a group of 3 members is \$2144; RFT 250 (10/1/14), the gross income of the Claimant's Group clearly exceeded the limit. Exhibits 2, 3 and 4.

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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**Lynn Ferris**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: **12/16/2014**

Date Mailed: **12/16/2014**

LMF / tm

**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 48909-8139

cc:

