

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

IN THE MATTER OF:



Reg. No.: 14-016062
Issue No.: 3007
Case No.: [REDACTED]
Hearing Date: December 17, 2014
County: OAKLAND-DISTRICT 2

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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 17, 2014, from Lansing, Michigan. Participants on behalf of Claimant included himself. Participants on behalf of the Department of Human Services (Department) included ES [REDACTED]

ISSUE

Did the Department properly deny Claimant's October 27, 2014, Food Assistance Program 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. Claimant was an ongoing recipient of Food Assistance Program benefits as a member of his mother's Food Assistance Program benefit group.
2. On October 27, 2014, Claimant submitted an application for Food Assistance Program benefits under his own name.
3. On November 3, 2014, Claimant's mother submitted a change report indicating Claimant left her household. Claimant's mother was issued Food Assistance Program benefits for Claimant during the month of November.
4. On November 12, 2014, Claimant was sent a Notice of Case Action (DHS-1605) which stated his Food Assistance Program application was denied.
5. On November 13, 2014, Claimant submitted a hearing request.

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.

Bridges Eligibility Manual (BEM) 222 Concurrent Receipt of Benefits (2014) states:

DEPARTMENT POLICY

All Programs

Concurrent receipt of benefits means assistance received from **multiple** programs to cover a person's needs for the same time period. Certain restrictions apply, as specified in this item.

Benefit duplication means assistance received from the **same** (or same **type** of) program to cover a person's needs for the same month. For example, FIP from Michigan and similar benefits from another state's cash assistance program. As specified in the balance of this item, benefit duplication is prohibited **except** for MA and FAP in limited circumstances (see **MA Benefits** and **FAP Benefits** in this item). See BEM 203, Criminal Justice Disqualifications, for penalties for individuals found to have received duplicate assistance.

Bridges is programmed to apply the requirements in this item.

FAP Only

A person **cannot** be a member of more than one FAP Certified Group (CG) in any month.

A person **cannot** receive FAP in more than one state for any month.

Exception: A resident of a shelter for battered women and children may temporarily be a member of two FAP groups; see BEM 617.

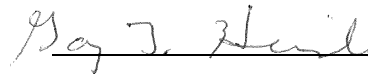
Even though Claimant's mother submitted a change report on November 3, 2014, Claimant was not removed from his mother's benefit group until AFTER benefits for

November were issued. Bridges Administration Manual (BAM) 220 Case Actions (2014) provides that the Department has 10 days to act on a Food Assistance Program, reported change. It goes on to require that when the reported change will reduce Food Assistance Program benefits, the action must be pended and the negative action may not take effect until at least 12 calendar days following the date the Department re-determined Food Assistance Program eligibility based on the reported change and sent the benefit group notice of the pended negative action. That means Claimant's mother's Food Assistance Program case could not be changed until 22 (10+12) days after she reported the change. Claimant's mother's Food Assistance Program could not be changed until November 25, 2014. Claimant's mother's Food Assistance Program benefits were issued before November 25, 2014.

Because Claimant was issued Food Assistance Program benefits as part of his mother's Food Assistance Program benefit group for October and November 2014, he was not eligible for duplicate Food Assistance Program benefits under his own Food Assistance Program case. 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 Claimant's October 27, 2014, Food Assistance Program application.

DECISION AND ORDER

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



Gary Heisler
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **12/23/2014**

Date Mailed: **12/23/2014**

GFH/hj

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:

