

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

IN THE MATTER OF:

██████████
██████████████████
██████████████████

Reg. No.: 14-004834
Issue No.: 3001
Case No.: ██████████
Hearing Date: July 23, 2014
County: WAYNE (35)

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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 July 23, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ ██████████, Hearing Facilitator.

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP) because she was no longer a resident of Michigan?

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 FAP benefits.
2. The Department learned that Claimant was using her FAP benefits exclusively in Arizona.
3. On April 28, 2014, the Department sent Claimant a Notice of Case Action notifying her that her FAP case would close because she was not a Michigan resident.
4. On June 10, 2014, Claimant filed a Request for Hearing disputing the Department's actions.

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, a client who resides outside the State of Michigan for more than 30 days is not eligible for FAP benefits issued by the State of Michigan. BEM 212 (February 2014), p. 3. The Department became aware that Claimant had been using her Michigan issued FAP benefits exclusively in Arizona. As a result, on April 28, 2014, the Department sent Claimant a Notice of Case Action notifying her that her case would close. In support of its assertion that Claimant was not eligible for FAP benefits, the Department presented Claimant's purchase history. The purchase history revealed that Claimant used her Michigan issued FAP benefits in Arizona from March 2, 2013 and continued to do so until April 22, 2014.

Claimant testified that she was never a resident of Arizona and that she would travel back and forth to care for a sick family friend. Claimant's testimony lacks veracity as she provided inconsistent and improbable testimony at the hearing. When questioned as to why she made no Michigan purchases in more than a year, Claimant testified that she stocked up on food and because of that there was no need to purchase food. However, the purchase history tells a different story. First, the purchase history prior to the Arizona purchases revealed that Claimant used her FAP benefits in Michigan once a week, if not more. Additionally, the month immediately preceding the exclusive Arizona purchases shows that Claimant used her FAP benefits on six occasions. Further, the total cost of the six purchases was \$77.60. It is highly unlikely that these six purchases would have lasted Claimant more than one year.

Claimant next stated that she received monetary compensation for traveling back and forth to care for the sick family friend. When asked if she reported earnings to the Department, Claimant seemed to slightly recant, stating that the individuals riding with her would purchase food for her and she would eat that food. Although Claimant paid her mortgage and utility bills during the time she used her FAP benefits exclusively in Arizona, this does not prove that Claimant was physically located in Michigan. One can mail mortgage and utility payments from anywhere. Claimant was unable to produce

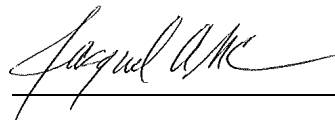
one receipt showing that she was physically located in Michigan during the time she used her FAP benefits in Arizona.

Additionally, Claimant testified that she would sometimes come back to Michigan for weeks at a time. Again, the purchase history tells a different story. Claimant's Arizona purchases were made within days of one another. Claimant testified that when she traveled back and forth from Michigan to Arizona, she was a passenger in the car. It would be impossible for Claimant to have traveled by car from Arizona to Michigan and back within just a few days several times per week. Lastly, when Claimant updated her mailing address on the record, she provided a P.O. Box. While by itself, this does not show that Claimant actually lives in Arizona, it does provide further support when taken with the totality of evidence provided at the hearing. It is therefore found that at least from April 2013 through April 2014, Claimant was a resident of Arizona.

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 closed Claimant's FAP case because she was no longer a resident of Michigan and therefore ineligible for FAP benefits.

DECISION AND ORDER

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



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

Date Signed: **7/28/2014**

Date Mailed: **7/28/2014**

JAM/cl

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:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]