

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-016284
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: December 18, 2014
County: KENT-DISTRICT 1

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

HEARING DECISION

Following the 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 18, 2014, from Lansing, Michigan. Participants on behalf of the Claimant included [REDACTED]. Participants on behalf of the Department of Human Services (Department) included Hearing Facilitator, [REDACTED]; Eligibility Specialist, [REDACTED]; Assistance Payments Supervisor, [REDACTED] and Regulation Agent, [REDACTED].

ISSUE

Did the Department properly take action to reduce the Claimant's monthly Food Assistance Program (FAP) allotment?

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 was an ongoing recipient of monthly FAP benefits in the amount of \$ [REDACTED].
2. On October 19, 2014, the Department received updated information indicating that the Claimant's daughter had moved out of the home on September 9, 2014.
3. On October 19, 2014, a FEE referral was submitted to verify that the Claimant's daughter was indeed out of her home. Also, the Department's worker speculated that the Claimant's mother was still in the home so the Department's worker added that issue to the FEE referral.

4. On October 30, 2014, the FEE referral revealed that the Claimant's daughter was out of her home and that the Claimant's mother was living with the Claimant. Therefore, the Claimant's daughter was removed from the case and the Claimant's mother was added back to the Claimant's case.
5. Per the Departments hearing summary, on October 30, 2014, the Claimant was notified that her monthly FAP allotment would be reduced to \$ [REDACTED] effective December 1, 2014.
6. On November 10, 2014, the Department received the Claimant's written hearing request protesting the reduction in her monthly FAP allotment.

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.

In this case, the Claimant admitted on the record that she did lie about her mother not residing in her home. The Claimant felt it was unfair to include her mother in her FAP group because her mother's income is spoken for every month and the Claimant feeds her mother from her own FAP allotment. The Claimant testified that when she initially told the truth about her mother living with her, she was punished as her benefits were reduced. She therefore lied and said that her mother was not living with her.

Additionally, Bridges Eligibility Manual (BEM) 212 (2014) p. 6, provides that, in general, persons who live together and purchase and prepare food together are members of the same FAP group. BEM 505 (2014) p. 1, provides that a group benefits for a month are based, in part, on a perspective income determination. A best estimate of income expected to be received by the group during a specific month is determined and used in the budget computation. Therefore, it is critical that the Department's worker properly determine the group composition of the Claimant's household so that she is issued only that amount of benefits that she is eligible for. Therefore, this Administrative Law Judge determines that when the Department took action to reduce the Claimant's monthly FAP benefits, the Department was acting in accordance with its policy.

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 took action to reduce the Claimant's monthly FAP allotment.

DECISION AND ORDER

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



Susanne E. Harris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **12/22/2014**

Date Mailed: **12/22/2014**

SEH/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:

