

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

**IN THE MATTER OF:**



Reg. No.: 14-018783  
Issue No.: 1000,3007  
Case No.: [REDACTED]  
Hearing Date: January 28, 2015  
County: CHIPPEWA

**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 January 28, 2015, from Lansing, Michigan. Participants on behalf of Claimant included herself. Participants on behalf of the Department of Human Services (Department) included Services Program Manager Wilderspin and Family Independence Specialist (FIS) [REDACTED]. During this hearing it was determined that Claimant's Family Independence Program had been reinstated to include Claimant's grand-children because Claimant's son's application for Family Independence Program benefits had been denied. The Family Independence Program portion of this hearing is dismissed.

**ISSUE**

Did the Department properly remove her grand-children from Claimant's Food Assistance Program?

**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. Her benefit group included her grand-children, who resided with her.
2. On December 1, 2014, Claimant's son, who is the father of the grand-children who reside with Claimant, moved into the household and applied for Family Independence Program and Food Assistance Program benefits in his own name.
3. On December 4, 2014, Claimant was sent a Notice of Case Action (DHS-1605) which stated her Family Independence Program would close beginning January 1,

2015 and her Food Assistance Program benefit group was reduced to one beginning January 1, 2015.

4. On December 9, 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.

In accordance with Bridges Administration Manual (BAM) 115 Application Processing, in effect at the time of the Department's action, at page 16, a Food Assistance Program application must be processed within 29 calendar days.

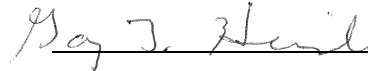
In accordance with Bridges Eligibility Manual (BEM) 212 Food Assistance Program Group Composition, in effect at the time of the Department's action, at page 1 states "Parents and their children under 22 years of age who live together must be in the same group regardless of whether the child(ren) have their own spouse or child who lives with the group."

In this case the children in the home were required to be in their father's Food Assistance Program benefit group. Removing the children from Claimant's Food Assistance Program benefit group and putting them in their father's benefit group was a correct action.

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 removed Claimant's grand-children from her Food Assistance Program.

**DECISION AND ORDER**

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



Gary Heisler  
Administrative Law Judge  
for Nick Lyon, Interim Director  
Department of Human Services

Date Signed: **2/3/2015**

Date Mailed: **2/3/2015**

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:

