

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-006363
Issue No.: 3007
Case No.: [REDACTED]
Hearing Date: June 03, 2015
County: JACKSON

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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on June 3, 2015, from Lansing, Michigan. Participants on behalf of Claimant included herself. Participants on behalf of the Department of Health and Human Services (Department) included Regulation Agent [REDACTED], Eligibility Specialist (ES) [REDACTED] and Family Independence Manager (FIM) [REDACTED].

ISSUE

Did the Department properly determine the amount of Claimant's Food Assistance Program eligibility on February 24, 2015?

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.
2. On February 4, 2015, Claimant submitted a State Emergency Relief Program application and indicated that [REDACTED] pays her utility bills.
3. On February 9, 2015, Regulation Agent [REDACTED] began a Front End Eligibility Investigation (FEE) regarding Claimant's benefit group composition.
4. On February 11, 2015, Regulation Agent [REDACTED] issued his investigation report.
5. On February 24, 2015, the Department added [REDACTED] to Claimant's Food Assistance Program benefit group. Claimant was sent a Notice of Case Action (DHS-1605) which stated her Food Assistance Program eligibility had changed.

6. On April 20, 2015, Claimant made a verbal hearing request about the amount of her Food Assistance Program benefits.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and Human Services Emergency Relief Manual (ERM).

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, 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 Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-119b, and Mich Admin Code, R 400.3001-.3011.

During this hearing the Department presented evidence showing that: [REDACTED] is the sole signatory on the lease for Claimant's residence; the lease indicates there are 7 occupants in the residence; the US Postal Service delivers [REDACTED] mail to Claimant's residence; that [REDACTED] receives earned income from Albion College; and that Albion College has Claimant's residence listed as [REDACTED] residence.

During this hearing Claimant testified that: [REDACTED] moved to his job at Albion College from Indiana; [REDACTED] rented the residence for her and her children and she moved up from Indiana so he could be closer to his children; and that [REDACTED] does not live with them. Claimant was asked if she had any evidence to submit to show [REDACTED] represented any other location as his residence such as his Driver's License, vehicle registration, voter registration etc. Claimant did not have or present any rebuttal evidence.

Testimony and other evidence must be weighed and considered according to its reasonableness. *Gardiner v Courtright*, 165 Mich 54, 62; 130 NW 322 (1911); *Dep't of Community Health v Risch*, 274 Mich App 365, 372; 733 NW2d 403 (2007). Moreover, the weight and credibility of this evidence is generally for the fact-finder to determine. *Dep't of Community Health*, 274 Mich App at 372; *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997). In evaluating the credibility and weight to be given the testimony of a witness, the fact-finder may consider the demeanor of the witness, the reasonableness of the witness's testimony, and the interest, if any, the witness may have in the outcome of the matter. *People v Wade*, 303 Mich 303 (1942), *cert den*, 318 US 783 (1943).

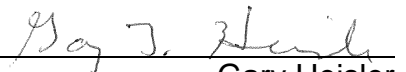
Based on the totality of evidence in this record, the Department's evidence that [REDACTED] resides with Claimant is more credible. Bridges Eligibility Manual (BEM) 212 Food

Assistance Program Group Composition (2014) at page 1 indicates that [REDACTED] is a mandatory group member of Claimant's Food Assistance Program benefit group due to the fact that he is the father of some of the children in the group.

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 determined the amount of Claimant's Food Assistance Program eligibility on February 24, 2015.

DECISION AND ORDER

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



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

Date Signed: **6/16/2015**

Date Mailed: **6/16/2015**

GFH / skb

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 copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from 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:

