

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

IN THE MATTER OF:

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Reg. No.: 15-006330
Issue No.: 3002
Case No.: ██████████
Hearing Date: May 27, 2015
County: Wayne-District 19 (Inkster)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 May 27, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Health and Human Services (Department) included ██████████, Hearings Facilitator.

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP) case and deny his FAP applications on the basis that he failed to return requested verifications?

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. In connection with a redetermination, Claimant's eligibility for FAP was reviewed.
3. Based on the information provided to the Department by Claimant during the redetermination interview, on November 26, 2014, the Department sent Claimant a Verification Checklist (VCL) instructing him to submit requested verifications for himself and for his father who the Department determined was a mandatory FAP group member. The verifications were due by December 8, 2014. (Exhibit A)
4. On January 5, 2015, Claimant submitted an application for FAP benefits.

5. On February 17, 2015, Claimant submitted a second application for FAP benefits.
6. On February 18, 2015, the Department sent Claimant a Notice of Case Action informing him that his FAP case closed effective January 1, 2015, (after the redetermination) on the basis that he failed to return requested verifications by the due date. (Exhibit B)
7. In connection with the January 5, 2015, FAP application, the Department sent Claimant a VCL on March 18, 2015, instructing him to submit verifications for himself and for his father by March 30, 2015. (Exhibit C)
8. On March 24, 2015, Claimant returned some of the requested verifications for him but did not provide the requested information for his father. (Exhibit D)
9. On April 1, 2015, the Department sent Claimant a Notice of Case Action informing him that his January 5, 2015, FAP application was denied on the basis that he failed to return requested verifications. (Exhibit E)
10. In connection with the February 17, 2015, FAP application, the Department sent Claimant a VCL on April 1, 2015, instructing him to submit verifications for himself and for his father by April 13, 2015. (Exhibit F)
11. On April 15, 2015, the Department sent Claimant a Notice of Case Action informing him that his February 17, 2015, FAP application was denied on the basis that he failed to return requested verifications. (Exhibit G)
12. On April 15, 2015, Claimant requested a hearing disputing the Department's actions.

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.

In this case, based on the information provided by Claimant in his redetermination interview and on his applications, the Department concluded that Claimant's father was a mandatory member of Claimant's FAP group and required that he provide verification or proofs concerning his father's income and assets.

Food assistance group composition is established by determining who lives together, the relationships of the people who live together, whether the people living together purchase and prepare food together or separately and whether the person resides in an eligible living situation. BEM 212 (July 2014), p. 1. Living with means sharing a home where family members usually sleep and share any common living quarters such as a kitchen, bathroom, bedroom, or living room. BEM 212, p. 3. The phrase, purchase and prepare together is meant to describe persons who usually share food in common. Persons usually share food in common if any of the following conditions exist: they each contribute to the purchase of food; they share the preparation of food, regardless of who paid for it; or they eat from the same food supply, regardless of who paid for it. Persons who live together and purchase and prepare food together are members of the same FAP group. BEM 212, pp.5-6.

At the hearing, Claimant testified that he lives in a home with his father and that he purchases food with his father sometimes, when Claimant can afford it. Claimant stated that he prepares food 50-50 with his father and that they eat together and share food. Based on Claimant's testimony at the hearing, the Department properly concluded that Claimant's father was a mandatory member of his FAP group and appropriately requested verification of information for Claimant's father.

With respect to the VCL issued on November 24, 2014, in connection with Claimant's redetermination, the Department testified that because it did not receive any of the requested information by the due date and because it did not receive any communication from Claimant indicating he was having difficulty obtaining the verifications, it sent Claimant a Notice of Case Action on February 18, 2015, informing him that the FAP case was closed effective January 1, 2015. (Exhibit A and Exhibit B). Claimant confirmed that he received the VCL and stated that he did not turn in the requested verifications because he was working at the time and thought that he would be denied FAP based on his employment. Thus, the Department acted in accordance with Department policy when it closed Claimant's FAP case effective January 1, 2015.

With respect to the applications submitted on January 5, 2015, and February 17, 2015, the Department stated that both were received but not timely processed because Claimant's FAP case was still active/pending and the Notice of Case Action closing the case had not been issued. The Department testified that the applications were later processed after Claimant's FAP case had closed.

The Department stated that although Claimant timely submitted some verifications in connection with the March 18, 2015, VCL, because the proofs were incomplete and because Claimant did not submit any of the requested information for his father, the

January 5, 2015, application was denied and a Notice of Case Action issued on April 1, 2015. (Exhibit C and Exhibit D). Although, Claimant stated that his father did not want to provide the Department with any information and presented a letter written by Claimant's father and provided to the Department on March 24, 2015, because Claimant's father has been determined a member of the FAP group based on the above discussion, his asset and income information is needed in order to determine the group's eligibility for FAP benefits. Therefore, the Department properly denied Claimant's January 5, 2015, FAP application.

With respect to February 17, 2015, FAP application and the VCL issued on April 1, 2015, the Department testified that because it did not receive any of the requested information by the due date and because it did not receive any communication from Claimant indicating he was having difficulty obtaining the verifications, it sent Claimant a Notice of Case Action on April 15, 2015, informing him that the February 17, 2015, FAP application was denied. (Exhibit F and Exhibit G). Claimant did not present any evidence to counter the Department's testimony and did not indicate that he submitted the requested verifications to the Department. Therefore, the Department properly denied Claimant's February 17, 2015, FAP application.

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 and denied Claimant's FAP applications.

DECISION AND ORDER

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



Zainab Baydoun
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **5/29/2015**

Date Mailed: **5/29/2015**

ZB / tlf

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:

[REDACTED]
[REDACTED]
[REDACTED]
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