

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-010530
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: August 05, 2015
County: Jackson

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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, telephone hearing was held on August 05, 2015, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] and [REDACTED]. Participants on behalf of the Department included [REDACTED], Family Independence Manager, and [REDACTED], Eligibility Specialist.

ISSUE

Did the Department of Health and Human Services (Department) properly determine the Claimant's eligibility for Food Assistance Program (FAP) benefits?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On January 7, 2015, the Department received the Claimant's application for Food Assistance Program (FAP) benefits.
2. On January 8, 2015, the Department conducted a routine eligibility interview with the Claimant.
3. On June 12, 2015, the Department received a Change Report (DHS-2240) requesting that another person be added to the Claimant's Food Assistance Program (FAP) benefit group.
4. On June 18, 2015, the Department notified the Claimant that his Food Assistance Program (FAP) has had two group members since he applied for assistance on January 7, 2015.
5. On June 23, 2015, the Department received the Claimant's request for a hearing.

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).

FAP group composition is established by determining who lives together, the relationship of the people who live together, whether the people living together purchase and prepare food together or separately, and whether the persons resides in an eligible living situation. Department of Human Services Bridges Eligibility Manual (BEM) 212 (July 1, 2014), p 1.

On January 7, 2015, the Department received an application for FAP benefits that was signed by the Claimant. This application indicates that the Claimant was requesting FAP benefits as a group of two that purchase and prepare food together within the household.

On January 8, 2014, the Department interviewed the Claimant. During this interview, the Claimant indicated that he purchases and prepares food together with another person in his household.

On June 12, 2014, the Department received a Change Report (DHS-2240) signed by the Claimant. This report indicates that the Claimant was requesting that another person living in his household should be added to his FAP benefit group.

On June 18, 2014, the Department notified the Claimant that no change was necessary because there had been two people in this benefit group since the application for assistance was submitted on January 7, 2015.

The Claimant argues that he did not intend to apply for FAP benefits on January 7, 2015, as a group of two. The Claimant testified that someone else may have completed the information contained in the application for assistance. The Claimant testified that it was his intention to apply for FAP benefits as a group of one with another person in his household acting as his representative.

The Claimant testified that he did not tell anyone during an interview on January 8, 2015, that he purchases and prepares food with another person living in his household.

The Claimant denied that the Change Report submitted on June 12, 2014, is a request to be considered for FAP benefits as a group of two with another person that purchases and prepares food together with him in his household.

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 evidence and testimony available during the hearing, this Administrative Law Judge finds that the Department could not have reasonably come to any other conclusion than the Claimant intended to apply for FAP benefits as a household of two that purchase and prepare food together. The Claimant failed to indicate on his January 7, 2015, application for assistance that he had been convicted of any drug-related felonies to make a payee representative necessary. The Claimant failed to report any drug-related felonies during the January 8, 2015, eligibility interview. The Claimant failed to report that he does not purchase and prepare food with another member of his household on January 8, 2015. On June 12, 2015, the Claimant submitted a signed statement to the Department that another person "needs to be added to Dan's food stamps as I was being sanctioned but the time has expired."

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 Claimant's eligibility for the Food Assistance Program (FAP).

DECISION AND ORDER

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



Kevin Scully
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **8/6/2015**

Date Mailed: **8/6/2015**

KS/las

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:

