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

IN THE MATTER OF:

[redacted]

MAHS Reg. No.: 15-013159
Issue No.: 3008
Agency Case No.: [redacted]
Hearing Date: September 02, 2015
County: Kalamazoo

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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on September 2, 2015, from Lansing, Michigan. Participants on behalf of Claimant included the Claimant, [redacted], and her son [redacted]. Participants on behalf of the Department of Health and Human Services (Department) included Hearing Facilitator, [redacted], and Eligibility Specialist, [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 a recipient of monthly FAP benefits in the amount of $[redacted].

2. [redacted] is the Claimant's [redacted]-year-old son. The Claimant's son has reported the Claimant's address as his own to his employer, to the Social Security Administration as well as to the Department in his application for healthcare coverage.

3. On June 10, 2015, the Department Eligibility Specialist completed a home call to the Claimant's home. She observed [redacted] being present at the

residence, and he also stated during that visit that he currently lives with his mother, the Claimant.

4. On June 13, 2015, [redacted] and his income were added to the Claimant's FAP case.

5. On June 30, 2015, the Department sent the Claimant a DHS-1605, Notice of Case Action, informing the Claimant that her monthly FAP allotment would be reduced to $[redacted]

6. On June 13, 2015, 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 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.

Bridges Eligibility Manual (BEM) 212 (2014) p. 1, provides that FAP group composition is established by determining who live together, the relationship of the people who live together and whether or not those people living together purchase and prepare food together or separately. The policy provides that parents and their children under 22 years of age who live together must be in the same group regardless of whether the children have their own spouse or child who lives with the group.

In this case, the Claimant testified at the hearing that her son does not live with her and is not on her new lease. The Claimant's son was at the hearing. Neither the Claimant nor her son offered an alternative address where the Claimant's son is residing. It is not contested that the Claimant's son has reported the Claimant address as his own to his employer, to the Social Security Administration as well as the Department. Given careful consideration and weight to the evidence in this case, this Administrative Law Judge finds that the Claimant's testimony that her son does not live with her is controverted by every other piece of evidence in the record and is therefore found to be less than credible. Based on the Claimant's son's report of his address to his employer, to the Social Security Administration and to the Department, both in writing and verbally, this

Administrative Law Judge concludes that the Department has met its burden of proving that it properly included the Claimant's son and his income in the Claimant's FAP 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 took action to reduce the Claimant's monthly FAP allotment.

DECISION AND ORDER

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

Susanne E. Harris

Susanne E. Harris
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Mailed: **9/3/2015**

SEH/jaf

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]