

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

**IN THE MATTER OF:**



MAHS Reg. No.: 15-015627  
Issue No.: 2000, 3002  
Agency Case No.: [REDACTED]  
Hearing Date: October 13, 2015  
County: VAN BUREN

**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 October 13, 2015, from Lansing, Michigan. Participants on behalf of Claimant included herself. Participants on behalf of the Department of Health and Human Services (Department) included Eligibility Specialist [REDACTED] and Assistance Payments Supervisor [REDACTED]. During this hearing Claimant testified there is no Medical Assistance (MA) issue to resolve. That portion of the case is dismissed.

**ISSUE**

Did the Department properly deny Claimant's July 24, 2015, Food Assistance Program (FAP) application?

**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 July 24, 2015, Claimant submitted a Food Assistance Program (FAP) application.
2. On August 4, 2015, Claimant was sent a Verification Checklist (DHHS-3503) requesting verification of [REDACTED] income and the shelter expense paid by him. The verifications were due on August 14, 2015.
3. On August 17, 2015, the requested verifications had not been submitted. Claimant was sent a Notice of Case Action (DHHS-1605) which stated her Food Assistance Program (FAP) application was denied.

4. On August 27, 2015, Claimant submitted a hearing request.

### **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.

Claimant listed [REDACTED] as a member of the household but indicated benefits were not being requested for him. Claimant also indicated that they do not buy and fix food together. During the required telephone interview on August 4, 2015, Claimant stated: she does not want [REDACTED] on her case; she wants as much FAP as she can get; they do eat together sometimes; and their food is not separated and labeled. Review of the BRIDGES Case Comments shows that Claimant and [REDACTED] were both on Claimant's Food Assistance Program (FAP) in 2013.

During this hearing Claimant testified that she and [REDACTED] were once boyfriend and girlfriend but not presently. Claimant testified that [REDACTED] sometimes brings food home from the restaurant he works at and shares it with her and the food in the home is not separated.

### **FOOD PURCHASE AND PREPARATION**

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.

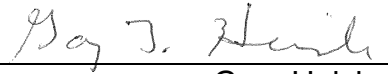
They eat from the same food supply, regardless of who paid for it.

In general, persons who live together and purchase and prepare food together are members of the 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 denied Claimant's July 24, 2015, Food Assistance Program (FAP) application for failure to provide verification of [REDACTED] income.

**DECISION AND ORDER**

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



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

Date Signed: **10/16/2015**

Date Mailed: **10/16/2015**

GFH / [REDACTED]

**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:

