

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

IN THE MATTER OF:



MAHS Reg. No.: 15-018143
Issue No.: 1000 2000 3001
Agency Case No.: [REDACTED]
Hearing Date: November 24, 2015
County: GENESEE-UNION ST

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 November 24, 2015, from Lansing, Michigan. Participants on behalf of Claimant included herself and her daughter [REDACTED]. Participants on behalf of the Department of Health and Human Services (Department) included Hearing Facilitator [REDACTED]. During this hearing it was determined that there are not Family Independence Program (FIP) or Medical Assistance (MA) issues for this hearing. Those portions of the hearing request are dismissed.

ISSUE

Did the Department properly process Claimant's June 19, 2015 Food Assistance Program (FAP) change report?

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 (FAP) benefits.
2. On June 19, 2015, Claimant submitted a change report stating her grandson had moved into her home.
3. On July 29, 2015, Claimant was sent a Notice of Case Action (DHHS-1605) which stated her Food Assistance Program (FAP) benefits would increase beginning September 1, 2015 due to her grandson becoming a member of Claimant's benefit group.

4. On August 21, 2015, Claimant received a Food Assistance Program (FAP) supplemental payment for the month of August 2015. The supplement totaled the correct payment of Food Assistance Program (FAP) benefits for a group of three.
5. On September 28, 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 asserts that benefits for her grandson should have been issued to her from mid-June when she reported he was in her home. There is no dispute that Claimant's grandson's mother was receiving Food Assistance Program (FAP) benefits and that Claimant's grandson was on his mother's Food Assistance Program (FAP) case. During this hearing the Department representative testified that Claimant's grandson was removed from his mother's Food Assistance Program (FAP) group but not until after his mother received Food Assistance Program (FAP) benefits for him in June and July. Claimant was supplemented Food Assistance Program (FAP) benefits for August 2015 based on her grandson being a member of her benefit group.

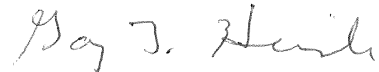
The Department complied with Bridges Eligibility Manual (BEM) 212 Food Assistance Program Group Composition and re-evaluated Claimant's grandson's primary caretaker when Claimant applied for assistance for him by reporting him as a member of the household.

Bridges Eligibility Manual (BEM) 222 Concurrent Receipt of Benefits defines benefit duplication as assistance received from the same program to cover a person's needs for the same month. The policy also states that a person cannot be a member of more than one FAP Certified Group (CG) in any month. The Department cannot issue duplicate Food Assistance Program (FAP) during a month. Therefore, the Department could not issue Claimant Food Assistance Program (FAP) benefits for her grandson until he was no longer a member of his mother's Food Assistance Program (FAP) benefit 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 processed Claimant's June 19, 2015 Food Assistance Program (FAP) change report.

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 Mailed: **12/2/2015**

GH/nr

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:

