

**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.: 15-018534
Issue No.: 3001
Agency Case No.: [REDACTED]
Hearing Date: January 06, 2016
County: NEWAYGO

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

HEARING DECISION

Following the Petitioner'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, an in-person hearing was held on January 6, 2016, from White Cloud, Michigan. The Petitioner, [REDACTED] [REDACTED] and his wife, [REDACTED] [REDACTED] appeared and testified. The Department of Health and Human Services (Department) was represented by Lead Eligibility Specialist, [REDACTED] [REDACTED] and Assistance Payments Supervisor, [REDACTED] [REDACTED]

ISSUE

Did the Department properly take action to reduce the Petitioner's monthly allotment 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. The Petitioner was a FAP recipient with a monthly allotment of \$ [REDACTED]
2. The Petitioner was sent several departmental notices instructing him to obtain Social Security numbers for his children. Four of these notices are contained in the record and are dated as follows: January 1, 2015, April 1, 2015, July 1, 2015 and August 30, 2015.
3. On September 21, 2015, the Department sent the Petitioner a DHS-1605, Notice of Case Action informing the Petitioner that his monthly FAP allotment was reduced to \$ [REDACTED] due to his failure to provide Social Security numbers for his children.

4. On September 29, 2015, the Petitioner made a verbal request for hearing protesting the reduction in his 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.

Additionally, Bridges Eligibility Manual (BEM) 223 (2014) pp. 1, 2, provides that as a condition of eligibility, individuals must supply and cooperate in obtaining Social Security numbers. This condition of eligibility does not apply to individuals who are only applying for benefits on behalf of someone else. Departmental policy instructs Department workers to disqualify family members for whom the grantee refuses to supply a Social Security number, cooperate in obtaining Social Security number or cooperate in resolving any errors regarding Social Security numbers. The requirement to cooperate in obtaining a Social Security number is met by completing a SS-5, Application for a Social Security Card. Individuals are excused from providing Social Security numbers either by a court order or based on religious grounds.

In this case, it is not contested that the Petitioner was notified countless times that he must supply Social Security numbers for what appears to be eight children, based on the notice of case action in the record. It is not contested that the Petitioner inquired about the requirement to provide Social Security numbers and he was informed by his workers that his case would not be negatively impacted if he did not provide the Social Security numbers. Department personnel present at the hearing clearly testified that any over issuance resulting from this instant case is clearly departmental error.

The Petitioner testified that he has no real source of income and it will cost \$ [REDACTED] per Social Security number per child and that is why he has not provided the Social Security numbers to dates. Furthermore, the Petitioner protested that he was repeatedly informed that there would be no adverse consequences to not providing the Social Security numbers. This Administrative Law Judge pointed out to the Petitioner that he did receive countless DHS-4639, Important Notice About Social Security Numbers from the Department. Each of these notices contains the following language: *you must tell us everyone's Social Security number as soon as you get the numbers. Failure to do so may result in overpayment that you might have to repay.* The Petitioner was protesting

the likely pursuit of an over issuance on the part of the Department. The Petitioner was informed that departmental policy requires that the Department pursue an over issuance regardless of whether it is their fault or the Petitioner's fault.

It is not been contested during the hearing that the Petitioner was instructed several times to provide Social Security numbers for his children and that he did not do so. As such, and based on a thorough review of the policy, this Administrative Law Judge concludes that the Department was acting in accordance with its policy when taking action to reduce the Petitioner's monthly FAP allotment for failing to provide the Social Security numbers of his children.

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 Petitioner's monthly FAP allotment.

DECISION AND ORDER

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



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

Date Mailed: **1/12/2016**

SEH/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:

