



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: July 15, 2016
MAHS Docket No.: 16-007779
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

HEARING DECISION

Following 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, a telephone hearing was held on July 6, 2016, from Lansing, Michigan. The Petitioner, [REDACTED], appeared and testified with his mother [REDACTED]. The Department of Health and Human Services (Department) was represented by Eligibility Specialist, [REDACTED].

ISSUE

Did the Department properly take action to deny the Petitioner's application 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 June 6, 2016, the Department received the Petitioner's Assistance Application. The Petitioner and his sister are disabled and therefore, the Petitioner's mother has permission to speak on their behalf.
2. The Petitioner reported to the Department's worker that he, his sister and his mother all purchase and prepare food together.
3. The Petitioner receives monthly RSDI in the amount of \$ [REDACTED] his sister receives monthly SSI in the amount of \$ [REDACTED] and the Petitioner's mother has earned monthly income of \$ [REDACTED].

4. The FAP budget and evidence indicates a net unearned income amount of \$ [REDACTED]
5. On June 8, 2016, the Department sent the Petitioner notice that his application for FAP benefits has been denied.
6. On June 13, 2016, the Department received the Petitioner's written hearing request protesting the denial of the Petitioner's FAP application.

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.

In this case, though the unearned income does not appear to be exactly properly calculated and budgeted, the evidence indicates that the Petitioner's group is well over the income limit to be eligible for FAP. The Petitioner's mother testified what she would like to have happen is for her two disabled children to be able to be in their own group separate from the Petitioner, even though they live together. The evidence indicates that the Petitioner must prepare the food for her children due to the extent of their disabilities.

Per Bridges Eligibility Manual (BEM) 212 p. 1, Food Assistance Program group composition is established by determining all of the following: who lives together, the relationship(s) of the people who live together and whether the people living together purchase and prepare food together or separately.

The relationship(s) of the people who live together affects whether they must be included or excluded from the group. First, determine if they **must** be included in the group. If they are **not** mandatory group members, then determine if they purchase and prepare food together or separately.

Parents and their children **under** 22 years of age who live together **must** be in the same group regardless of whether the child(ren) have their own spouse or child who lives with the group.

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:

1. They each contribute to the purchase of food.
2. They share the preparation of food, regardless of who paid for it.
3. 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.

Persons who normally purchase and prepare separately maintain that distinction even when they are temporarily sharing food with others.

Persons are temporarily sharing food if both of the following are true:

They had previously purchased and prepared separately and others are sharing their food until the person:

- Is approved for FAP.
- Qualifies for other cash assistance.
- Secures some other source of income.

Based on the policy cited above, and based on the testimony that the Petitioner and her children purchase and prepare food together and live together, this Administrative Law Judge concludes that the Department acted in accordance with Department policy when determining that the Petitioner's mother and his mother's income be included in the FAP group and budget.

By way of suggestion, perhaps the Petitioner's mother could explore the possibility of an Authorized Representative for the Petitioner and his sister, if they do ever live separately from their mother or if they are ever able to purchase and prepare food separately.

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 90 Petitioner's application for FAP benefits.

DECISION AND ORDER

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



SH/nr

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

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; 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

DHHS

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]