



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: August 26, 2016
MAHS Docket No.: 16-010255
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 August 17, 2016, from Detroit, Michigan. Petitioner appeared and represented himself. His daughter [REDACTED] served as witness and translator ([REDACTED]). The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) case effective July 1, 2016?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Petitioner was an ongoing recipient of FAP benefits.
2. On or about June 13, 2016, Petitioner notified the Department of a change of address to [REDACTED] (Exhibit A, p. 8).
3. The lease Petitioner included with his notice indicated that his wife [REDACTED] and their three children would occupy the home with Petitioner (Exhibit A, p. 10).

4. Because Petitioner's wife had an active FAP case, the Department closed Petitioner's FAP case effective July 1, 2016 and added Petitioner to his wife's FAP case (Exhibit A, pp. 11-12; Exhibit B).
5. On July 15, 2016, the Department received Petitioner's request for hearing indicating that the last notice he received from the Department had informed him that he was approved for █████ in monthly FAP benefits effective July 1, 2016 but that his online account showed that his FAP case had closed in July (Exhibit A, pp. 2-4).

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.

Petitioner disputed the closure of his FAP case. On July 26, 2016, the Department sent Petitioner a Benefit Notice notifying him that his FAP case closed effective July 1, 2016 and he was added to his wife's case (Exhibit A, pp. 11-12). The Department explained that Petitioner was a mandatory member of his wife's FAP case.

Spouses who are legally married and live together must be in the same FAP group. BEM 212 (October 2015), p. 1. In this case, Petitioner acknowledged that, although he was separated from his wife, he continued to be married to her. However, he contends that he does not live with her. The Department responded that it received information from Petitioner on June 13, 2016 that contradicted his testimony, namely the copy of a lease signed by Petitioner for his new address that identified the occupants of the house to include Petitioner, his wife, and their three sons (Exhibit A, p. 10). Based on the information presented to the Department by Petitioner, the Department properly concluded that Petitioner and his wife were living in the same household. As such, Petitioner and his wife were mandatory members of the same FAP group. Therefore, the Department acted in accordance with Department policy when it closed Petitioner's FAP case in July 2016 and added Petitioner as a member of his wife's FAP group that same month (Exhibit A, pp. 11-12; Exhibit B). See BEM 212, p. 9 (providing that a member add that increases benefits is effective the month after it is reported).

At the hearing, Petitioner testified that he had moved again and asserted that he was not living with his wife. Petitioner is advised to notify the Department and reapply, if necessary.

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 closed Petitioner's FAP case.

DECISION AND ORDER

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



ACE/tlf

Alice C. Elkin
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]

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Via Electronic Mail:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]