



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: January 24, 2017
MAHS Docket No.: 16-018792
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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 January 19, 2017, from Lansing, Michigan. Petitioner was represented by himself. The Department was represented by Hearing Facilitator [REDACTED] and Eligibility Specialist [REDACTED]. Department's Exhibit A, pages 1-11 was admitted into evidence.

ISSUE

Did the Department properly deny Petitioner's December 12, 2016 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 December 12, 2016, Petitioner submitted a Food Assistance Program (FAP) application. In the application Petitioner listed himself as homeless and gave a mailing address of [REDACTED].
2. [REDACTED] is the address for Life Recovery, an institution run by the [REDACTED]. [REDACTED] feeds their residents and is not a facility authorized to accept Food Assistance.
3. On December 12, 2016, Petitioner was sent a Notice of Case Action (DHHS-1605) which stated his Food Assistance Program (FAP) application was denied.

4. On December 13, 2016, Petitioner 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.

Bridges Eligibility Manual (BEM) 265 Institutional Status (7-1-2015) provides:

DEPARTMENT POLICY

All Programs

Residents of institutions can qualify for certain program benefits in limited circumstances. This item explains how institutional status affects eligibility.

DEFINITIONS

ALL PROGRAMS

Institution means an establishment furnishing food, shelter and some treatment or services to more than three people unrelated to the proprietor.

OVERVIEW

FAP Only

A person in a facility which provides its residents a majority of their meals can qualify for FAP **if** the facility:

Is authorized by the Food and Nutrition Service (FNS) to accept Food Assistance; **or**

Is an eligible group living facility as defined in Bridges Eligibility Manual (BEM) 615.

The resident must also meet the criteria in the ELIGIBLE PERSONS section in BEM 617.

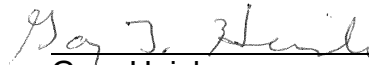
Petitioner does not dispute that he is residing in an institution that provides meals. Petitioner asserts that the food at the institution is mishandled and conditions are not sanitary. Petitioner was informed that there may be governmental entities where he can raise those concerns, but they are not relevant to this hearing.

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 Petitioner's December 12, 2016 Food Assistance Program (FAP) application.

DECISION AND ORDER

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

GH/nr



Gary Heisler
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]