



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 7, 2017
MAHS Docket No.: 17-007018
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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. After due notice, telephone hearing was held on June 29, 2017, from Lansing, Michigan. The Petitioner represented herself. The Department was represented by [REDACTED] Eligibility Specialist, and [REDACTED] Regulation Agent.

ISSUE

Did the Department of Health and Human Services (Department) properly close Petitioner's 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 April 14, 2017, the Department received Petitioner's application for Food Assistance Program (FAP) benefits. Exhibit A, pp 13-45.
2. Petitioner reported to the Department on her April 14, 2017, application for assistance that her household consisted of herself and her four children. Exhibit A, pp 17-21.
3. Petitioner reported to the Department on her April 14, 2017, application that she lived at [REDACTED] and did not list a separate mailing address. Exhibit A, p 15.
4. Petitioner reported monthly housing expenses of \$ [REDACTED] Exhibit A, p 39.

5. [REDACTED] is the father of Petitioner's children. Exhibit A, pp 23-34.
6. [REDACTED] was an active Food Assistance Program (FAP) recipient as part of a benefit group that includes his four children. Exhibit A, pp 46-47.
7. During a redetermination interview on May 12, 2017, [REDACTED] told his caseworker that he was away from home often and that his children lived with Petitioner. Exhibit A, pp 132-138.
8. Tax records indicate that [REDACTED] is the owner of the house located at [REDACTED] and lists that same address as his residence. Exhibit A, p 76.
9. [REDACTED] is employed and registered [REDACTED] as his residence with his employer. Exhibit A, p 116.
10. On May 2, 2017, the Department notified Petitioner that she was approved for Food Assistance Program (FAP) benefits as a group of one based on gross monthly income of [REDACTED].
11. On May 12, 2017, the Department notified Petitioner that it would close her Food Assistance Program (FAP) benefits based on income effective June 1, 2017, after the Department added [REDACTED] and the children to the benefit group. Exhibit A, pp 80-83.
12. On May 18, 2017, the Department received verification of a 9 day hotel stay to a room registered to Petitioner. Exhibit A, p 84.
13. On May 22, 2017, the Department received Petitioner's request for a hearing protesting the closure of her Food Assistance Program (FAP) benefits. Exhibit A, pp 6-7.

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.

FAP group composition is established by determining who lives together, the relationship of the people who live together, whether the people living together purchase and prepare food together or separately, and whether the persons resides in an eligible living situation. Parents and their children are mandatory group members. Department of Human Services Bridges Eligibility Manual (BEM) 212 (January 1, 2017), p 1.

On April 14, 2017, the Department received Petitioner's FAP application reporting that she and her four children were living in the same household at [REDACTED] [REDACTED]. [REDACTED] is the father of Petitioner's children and the owner of the house located at [REDACTED] was an ongoing FAP recipient in May of 2017, in a benefit group that included his four children. During a May 12, 2017, interview, Petitioner reported to his caseworker that he away from home often due to his employment and that his children lived with Petitioner.

On May 2, 2017, the Department approved Petitioner as a group of one based on a gross monthly income of \$ [REDACTED]. The Department did not include her children in her benefit group because they were active on their father's FAP case. On May 12, 2017, the Department notified Petitioner that it would close her FAP case after combining her and her children into a single benefit group along with the children's father. After combining the earned income of Petitioner and Mr. [REDACTED] the Department closed FAP benefits based on the combined income. It was not disputed during the hearing that the combined income of Petitioner and Mr. [REDACTED] made the group ineligible for FAP benefits.

As the parents of their children, Petitioner and Mr. [REDACTED] are mandatory group members if they are living together. The record evidence indicates that both Petitioner and Mr. [REDACTED] both reported [REDACTED] as their residence.

Petitioner claimed that she was not living at [REDACTED], but that her children were. Petitioner testified that she paid Mr. [REDACTED] \$ [REDACTED] a month to allow her children to live at [REDACTED], but that she living elsewhere.

Based on the evidence and testimony available during the hearing, this Administrative Law Judge finds that both Petitioner and Mr. [REDACTED] reside at [REDACTED] [REDACTED]. Although both Petitioner and Mr. [REDACTED] may spend time away from this residence, they both have claimed this home as their residence. There is evidence that a hotel room was registered to Petitioner for a nine day stay in May of 2017, but this is consistent with a temporary absence from the [REDACTED] and not a permanent change of residence.

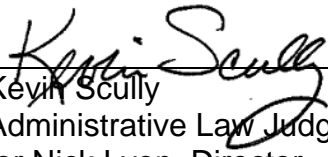
As residents of [REDACTED], and the parents of children in common, Petitioner and Mr. [REDACTED] are considered mandatory group members under BEM 212. Therefore, the Department was acting in accordance with BEM 212 when it determined Petitioner's eligibility for FAP benefits including Mr. [REDACTED] earned income.

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 Food Assistance Program (FAP) benefits based on the benefit group's income.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/nr



Kevin Scully
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]