



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

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DIRECTOR

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████████████████████, MI ██████████

Date Mailed: June 14, 2022
MOAHR Docket No.: 22-002052
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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; 42 CFR 438.400 to 438.424; 45 CFR 99.1 to 99.33; and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, a hearing was held via telephone conference line on June 8, 2022. Petitioner participated for some of the hearing and was represented.¹ ██████████ Petitioner's mother, participated as Petitioner's authorized hearing representative (AHR) and testified on behalf of Petitioner. The Michigan Department of Health and Human Services (MDHHS) was represented by Sonya Tankersley, supervisor, and Tracey Jones, specialist.

ISSUE

The issue is whether MDHHS properly determined Petitioner's group composition for Food Assistance Program (FAP) benefit eligibility.

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 ██████████, 2022, ██████████, Petitioner's living-together partner (hereinafter, "LTP"), applied for FAP benefits and reported residency at ██████████ (hereinafter, "Address"). LTP also reported her minor son-in-common with Petitioner, ██████████ (hereinafter, "Son1") as a household member.
2. On ██████████ 2022, Petitioner's AHR applied for FAP benefits for Petitioner. Petitioner's AHR reported that Petitioner resided at Address as a member of a household including only Petitioner and ██████████, Petitioner's minor son (hereinafter, "Son2").

¹ Petitioner called in late for the hearing and his call ended several minutes before the end of the hearing.

3. On April 11, 2022, MDHHS denied FAP benefits to Petitioner as the grantee of his own FAP benefit group.
4. On an unspecified date, MDHHS added Petitioner and Son2 to LTP's FAP benefit group.
5. On [REDACTED] 2022, Petitioner's AHR requested a hearing to dispute that Petitioner and Son2 did not receive FAP benefits as their own benefit group.

CONCLUSIONS OF LAW

The 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. MDHHS administers the FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-119b, and Mich Admin Code, R 400.3001-3011. FAP policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner's AHR requested a hearing to dispute Petitioner's FAP eligibility. Exhibit A, pp. 3-5. Specifically, Petitioner's AHR contended that Petitioner and Son2 should have their own FAP benefit case after applying for FAP benefits. Instead, MDHHS added Petitioner and Son2 to LTP's FAP benefit group.²

FAP group composition is established by determining all the following: who lives together, the relationship(s) of the people who live together, whether the people living together purchase and prepare food together or separately, and whether the person(s) resides in an eligible living situation. BEM 212 (January 2022) p. 1. 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. *Id.*

Petitioner's AHR applied for FAP benefits for Petitioner on [REDACTED], 2022 and reported a household that included only Petitioner and Son2. Exhibit A, pp. 12-18. During the application interview, Petitioner's AHR reiterated to MDHHS that Petitioner and Son2 reside at Address with no other persons.

While evaluating Petitioner's application, MDHHS discovered that LTP had an ongoing FAP benefit case at the same address reported as a residency for Petitioner.³ MDHHS also discovered that LTP's benefit group including Son1: one of Petitioner's minor children. Exhibit A, pp. 20-26.

² A Notice of Case Action dated April 11, 2022, indicated that Petitioner and Son2 received FAP benefits as their own group for part of February 2022, but were denied continued benefits beginning May 2022. Exhibit A, pp. 43-47. The notice also did not indicate that Petitioner and Son2 were added onto LTP's case; however, MDHHS credibly testified, without rebuttal, that both persons were added to LTP's benefit case.

³ The application for FAP from LTP was dated [REDACTED] 2022.

Petitioner's AHR contended that Petitioner and LTP should have separate FAP cases because they have separate living spaces at Address. Petitioner's AHR contention was contradicted by multiple pieces of objective evidence. First, Petitioner and LTP each have driver's licenses listing the same residential address. Exhibit A, pp. 51 and 53. Further, Petitioner's and LTP's benefit application each listed the same residential address. There was no objective evidence suggesting that the address shared by Petitioner and LTP included separate apartments, flats or any other evidence suggesting separate residences at Address. The evidence established that Petitioner, LTP, Son1, and Son2 were all members of the same household.

As his parent and co-resident, Petitioner must be in the same FAP benefit group as Son1. Thus, MDHHS properly added Petitioner to LTP's ongoing FAP benefit group. As the minor child and co-resident of Petitioner, Son2 must also be in Petitioner's FAP benefit group. Thus, MDHHS also properly added Son2 to LTP's FAP benefit group.

Petitioner's AHR contended that MDHHS erred by adding Petitioner and Son2 to a benefit group of someone that neither she nor Petitioner knew. Petitioner's AHR testified that she did not recognize the name of the grantee whose benefit group to which Petitioner and Son2 were added. Petitioner's AHR's testimony was head scratching by suggesting that she did not know the name of LTP: a co-resident of Petitioner's and the mother to one of Petitioner's children. If Petitioner's AHR's statements were sincere, then presumably she failed to consider that the name she calls LTP is different from the name that LTP uses with MDHHS.

Given the evidence, MDHHS properly added Petitioner and Son2 to LTP's benefit case. Thus, MDHHS properly did not issue FAP benefits to Petitioner and Son2 on a separate benefit case.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly did not issue FAP benefits to Petitioner and Son2 on their own FAP benefit case. The actions taken by MDHHS are **AFFIRMED**.

CG/tm



Christian Gardocki

Administrative Law Judge

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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

Via-Electronic-Mail:

DHHS

Denise McCoggle
Wayne-Greydale-DHHS
27260 Plymouth Rd
Redford, MI 48239

Interested-Parties

M. Holden
D. Sweeney
BSC4
MOAHR

Via-First-Class-Mail:

Authorized Hearing Rep.

[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]