STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

GRETCHEN WHITMER
GOVERNOR

MARLON I. BROWN, DPA
DIRECTOR

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Date Mailed: January 17, 2025
MOAHR Docket No.: 24-013568
Agency No.: ████████████
Petitioner: ████████████

ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness

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 telephone hearing was held on January 16, 2025. ████████████, the Petitioner, appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Karen Smalls, Assistance Payments Supervisor.

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-20.

ISSUE

Did the Department properly determine Petitioner's eligibility for the Food Assistance Program (FAP)?

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 or around October 18, 2024, the Department received a completed verification of student information form for Petitioner's 3 grandchildren wherein Petitioner and Petitioner's grandchildren's mother are listed as contacts with Petitioner's grandchildren's mother listed as the first contact. However, Petitioner is listed as the person with whom each of the children are residing with.

2. On ████████████ 2024, Petitioner's grandchildren's mother listed her 3 children on her FAP case.

3.   On November 20, 2024, MDHHS-Oakland-Southfield sent an email to Wayne County MDHHS requesting that Petitioner's 3 grandchildren be removed from their mother's FAP case so that they could be added to Petitioner's case.

4.   On December 7, 2024, a notice of case action was mailed to Petitioner to notify Petitioner that Petitioner was approved for $103.00 in FAP benefits from January 1, 2025, through August 31, 2026, based on a household size of 1.

5.   The Department determined that Petitioner had a group size of 1 because Petitioner's 3 grandchildren were eligible for FAP benefits in their mother's case.

6.   On December 10, 2024, Petitioner requested a hearing to dispute the Department's determination.

7.   On December 13, 2024, the Department sent an email to Wayne County MDHHS requesting that Petitioner's 3 grandchildren be removed from their mother's FAP case so that they could be added to Petitioner's case.

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 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.

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. (BEM 212, March 1, 2024, p. 1). For ongoing and intake applications where the child(ren) are not yet 22, they are potentially eligible for their own case, the month after turning 22. *Id.*

A person cannot be a member of more than one FAP Certified Group (CG) in any month. (BEM 222, October 1, 2018, p. 3).

In this case, the Department utilized a FAP group size of 1 because Petitioner's 3 grandchildren were eligible for FAP benefits in their mother's case. Petitioner testified that Petitioner's 3 grandchildren reside in Petitioner's home 30-31 days out of the month and have been residing with Petitioner since the school year resumed in September 2024. However, no evidence was presented to show that the Department was incorrect in their determination. Therefore, I must find that the Department properly determined
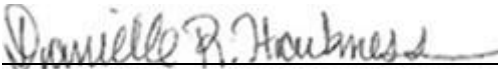
Petitioner's eligibility for FAP benefits at the time of the December 7, 2024, determination.

DECISION AND ORDER

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 determined Petitioner's eligibility for FAP.

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

DH/pt   **Danielle R. Harkness**
                                             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:

<div align="center">

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

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Via-Electronic Mail: **DHHS**
Tracey Jones
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Interested Parties
BSC4
M Holden
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N Denson-Sogbaka
MOAHR

Via-First Class Mail: **Petitioner**
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