



Date Mailed: February 27, 2025

Docket No.: 25-005094

Case No.: [REDACTED]

Petitioner: [REDACTED]

This is an important legal document. Please have someone translate the document.

هذه وثيقة قانونية مهمة. يرجى أن يكون هناك شخص ما يترجم المستند.

এটি একটি গুরুত্বপূর্ণ আইনি ডকুমেন্ট। দয়া করে কেউ দস্তাবেজ অনুবাদ করুন।

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Ky është një dokument ligjor i rëndësishëm. Ju lutem, kini dikë ta përktheni dokumentin.

HEARING DECISION

On [REDACTED], 2025, Petitioner [REDACTED] requested a hearing to dispute public assistance benefits. As a result, a hearing was scheduled to be held on February 25, 2025. Public assistance hearings are held 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; 45 CFR 205.10; and Mich Admin Code, R 792.11002.

The parties appeared for the scheduled hearing. Petitioner appeared and represented himself. Respondent Michigan Department of Health and Human Services (Department) had Hearing Coordinator Rachel Meade appear as its representative. Neither party had any additional witnesses.

Both parties provided sworn testimony, and one exhibit was admitted into evidence. A 65-page packet of documents provided by the Department was admitted into evidence collectively as Exhibit A.

ISSUE

Did the 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:

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1. The mother of Petitioner's child is [REDACTED], and her home address is [REDACTED]
[REDACTED]
 2. [REDACTED] is a FAP benefit recipient.
 3. On October 4, 2024, the Department mailed a redetermination form to Petitioner to obtain information to renew Petitioner's eligibility for FAP benefits. The form instructed Petitioner to complete the form and return it to the Department by October 24, 2024.
 4. On [REDACTED] 2024, Petitioner returned the completed form to the Department. Petitioner reported the following pertinent information in the form:
 - a. Home address: [REDACTED].
 - b. Mailing address: [REDACTED]
 - c. Household members: Petitioner.
 - d. Employment: ActionLink Oasis.
 5. On November 15, 2024, the Department interviewed Petitioner to complete his redetermination. Petitioner reported the following pertinent information during the interview:
 - a. Petitioner stated that he uses his child's mother's address for mailing, but he does not stay at the home at that address.
 - b. Petitioner stated that he lives alone.
 - c. Petitioner is employed at ActionLink Oasis.
 6. Petitioner provided the Department with copies of his paystubs from ActionLink Oasis. The paystubs showed that Petitioner's address was listed as [REDACTED]
[REDACTED]
 7. On November 15, 2024, the Department referred Petitioner's case to the Office of Inspector General for a Front-End Eligibility (FEE) investigation to verify whether Petitioner should be a member of [REDACTED] group since Petitioner was using her address as his address.
 8. The Office of Investigator General investigated Petitioner's living situation and made the following pertinent findings:
 - a. Petitioner's address on file with the Secretary of State is [REDACTED]
[REDACTED]

-
- b. Petitioner's address on file with his employer is [REDACTED]
[REDACTED]
- c. Petitioner and [REDACTED] jointly own the property at [REDACTED] in [REDACTED]
- d. On December 27, 2024, an agent went to the home at [REDACTED] in [REDACTED]. The agent spoke with [REDACTED] daughter, [REDACTED]. When the agent asked to speak with [REDACTED] or Petitioner, [REDACTED] informed the agent that they left to get her a birthday present. The agent asked [REDACTED] who lived at the home, and [REDACTED] responded that she lived at the home with her siblings and her mother, and she said that Petitioner sometimes stays at the home. [REDACTED] stated that Petitioner also stays with his mother in [REDACTED]. The agent unsuccessfully attempted to contact both Petitioner and [REDACTED].
9. The Office of Inspector General concluded its investigation and determined that Petitioner occasionally spends the night at [REDACTED] home at [REDACTED] in [REDACTED]. The Office of Inspector General determined that Petitioner is a mandatory member of [REDACTED] group since Petitioner has a child with her and Petitioner occasionally spends the night at her home.
10. The Department closed Petitioner's FAP case and added Petitioner to [REDACTED] FAP case pursuant to the Office of Inspector General's investigation.
11. On January 6, 2025, the Department mailed a notice of case action to Petitioner to notify him that his FAP benefits were closed, effective February 1, 2025. The notice informed Petitioner that he was going to be added to [REDACTED] case because Petitioner has a child with her and Petitioner spends overnights with her.
12. Petitioner requested a hearing to dispute the Department's decision.
13. On February 14, 2025, Petitioner applied for State Emergency Relief (SER) assistance from the Department for the home at [REDACTED]
[REDACTED]
14. The power bill for the home at [REDACTED] in [REDACTED] is in Petitioner's name, and Petitioner and [REDACTED] pay the bill together.

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) 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 administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

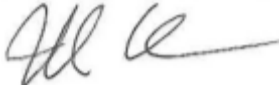
In this case Petitioner is disputing the Department's decision to close his FAP case and add him to [REDACTED] case. The Department decided to take this action because the Department determined that Petitioner had a child with [REDACTED] and Petitioner was spending overnights at [REDACTED] home. When the Department determines a client's eligibility for FAP benefits, the Department looks at the client's household to determine the client's group size. Parents and their children under 22 years old must be included in the same group when they live together. BEM 212 (October 1, 2024), p. 1. Petitioner does not dispute that he has a child under 22 years old with [REDACTED] and the child lives in [REDACTED] home. Petitioner disputes that he lives together with them.

Petitioner did not present sufficient evidence to establish that he does not live with [REDACTED] and their child. Based on the evidence presented, the Department properly concluded that Petitioner lives with [REDACTED] and their child. [REDACTED] lives at a home at [REDACTED] in [REDACTED]. Petitioner and [REDACTED] own this home together, the power bill for the home is in Petitioner's name, Petitioner uses the home address as his address, and [REDACTED] daughter confirmed that Petitioner occasionally stays overnight at the home. Since Petitioner lives with [REDACTED] and their child, they must be included in the same group for FAP benefits. Thus, the Department properly decided to close Petitioner's FAP case and add Petitioner to [REDACTED] FAP case.

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 its policies and the applicable law when it closed Petitioner's FAP benefits.

IT IS ORDERED that the Department's decision is **AFFIRMED**.



JEFFREY KEMM
ADMINISTRATIVE LAW JUDGE

APPEAL RIGHTS: Petitioner may appeal this Hearing Decision to the circuit court. Rules for appeals to the circuit court can be found in the Michigan Court Rules (MCR), including MCR 7.101 to MCR 7.123, available at the Michigan Courts website at courts.michigan.gov. The Michigan Office of Administrative Hearings and Rules (MOAHR) cannot provide legal advice, but assistance may be available through the State Bar of Michigan at <https://lrs.michbar.org> or Michigan Legal Help at <https://michiganlegalhelp.org>. A copy of the circuit court appeal should be sent to MOAHR. A circuit court appeal may result in a reversal of the Hearing Decision.

Either party who disagrees with this Hearing Decision may also send a written request for a rehearing and/or reconsideration to MOAHR within 30 days of the mailing date of this Hearing Decision. Requests MOAHR receives more than 30 days from the mailing date of this Hearing Decision may be considered untimely and dismissed. The request should include Petitioner's name, the docket number from page 1 of this Hearing Decision, an explanation of the specific reasons for the request, and any documents supporting the request. The request should be sent to MOAHR

- by email to MOAHR-BSD-Support@michigan.gov, **OR**
- by fax at (517) 763-0155, **OR**
- by mail addressed to
Michigan Office of Administrative Hearings and Rules
Rehearing/Reconsideration Request
P.O. Box 30639
Lansing Michigan 48909-8139

Documents sent via email are not secure and can be faxed or mailed to avoid any potential risks.

Via Electronic Mail:

Respondent

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Interested Parties

BSC4

B. CABANAW

M. HOLDEN

N. DENSON-SOGBAKA

MOAHR

Via First Class Mail:

Petitioner

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