



Date Mailed: March 18, 2025

Docket No.: 25-007622

Case No.: [REDACTED]

Petitioner: [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[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।

Este es un documento legal importante. Por favor, que alguien traduzca el documento.

这是一份重要的法律文件。请让别人翻译文件。

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 a Food Assistance Program (FAP) determination. As a result, a hearing was scheduled to be held on March 13, 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 Hearings 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 62-page packet of documents provided by the Department was admitted collectively as Exhibit A.

### ISSUE

Did the Department properly determine Petitioner's FAP eligibility?

### 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. Petitioner is a FAP benefit recipient.
  2. In September 2024, Petitioner's daughter, [REDACTED] moved in with Petitioner.
  3. [REDACTED] had been living with her mother.
  4. [REDACTED] mother was a FAP benefit recipient.
  5. Petitioner did not have a court order regarding custody of [REDACTED]
  6. On September 23, 2024, Petitioner reported to the Department that [REDACTED] moved into his home.
  7. The Department reviewed Petitioner's reported change, and the Department determined that [REDACTED] was a member of her mother's FAP group, so the Department did not add [REDACTED] to Petitioner's FAP group.
  8. Subsequently, Petitioner followed up with the Department on multiple occasions in an attempt to get the Department to add [REDACTED] to Petitioner's FAP group.
  9. The Department instructed Petitioner to provide a custody order or a statement from [REDACTED] mother regarding the number of nights that [REDACTED] was spending with her mother.
  10. On December 11, 2024, the Department emailed the caseworker handling [REDACTED] mother's case in an attempt to have the caseworker reach out to [REDACTED] mother to verify [REDACTED] living situation.
  11. The Department did not receive a response to its December 11, 2024, email.
  12. On December 20, 2024, the Department emailed the caseworker handling [REDACTED] mother's case again in an attempt to have the caseworker reach out to [REDACTED] mother to verify [REDACTED] living situation.
  13. The Department did not receive a response to its December 20, 2024, email.
  14. On or about February 11, 2025, the Department obtained verification that [REDACTED] was no longer living in her mother's home. The Department removed [REDACTED] from her mother's FAP group and added her to Petitioner's FAP group, effective March 1, 2025.

### **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 his FAP benefits because the Department did not add his daughter, [REDACTED], to his FAP group until March 2025. Petitioner wants the Department to issue him a FAP supplement for the past months because he reported to the Department in September 2024 that his daughter moved into his home, and the Department did not add her to his FAP group until March 2025.

When a child's parents do not live together and one or both parents apply to receive FAP benefits for the child, the Department must determine who the child's primary caretaker is. BEM 212 (April 1, 2025), pp. 3-5. The Department makes its initial determination in part by asking the client how many nights the child sleeps in the client's home in a calendar month. *Id.* at 4. In this case, the Department determined that [REDACTED] mother was her primary caretaker. Subsequently, Petitioner applied to receive FAP benefits for [REDACTED]

The Department must reevaluate who the child's primary caretaker is when a second caretaker applies for assistance for the child after the Department has already determined the child's primary caretaker. *Id.* at 5. The primary caretaker status becomes questionable when the second caretaker applies for assistance for the child. The Department must obtain information to verify who the child's primary caretaker is. *Id.* at 12-13. The Department must give each caretaker the opportunity to provide evidence to establish who the primary caretaker is. *Id.*

Petitioner's caseworker attempted to obtain information to verify the child's primary caretaker by contacting the caseworker assigned the child's mother's case, but Petitioner's caseworker did not receive a response. Additionally, Petitioner's caseworker instructed Petitioner to provide the Department with verification, and Petitioner did not provide the Department with verification. Under these circumstances, the Department acted in accordance with BEM 212 because the Department made a good faith effort to obtain verification from both of the child's caretakers. Petitioner did not present sufficient evidence to establish that the Department's delay in adding [REDACTED] to his FAP group was unreasonable.

### **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 determined Petitioner's FAP eligibility.

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



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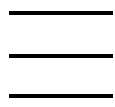
**JEFFREY KEMM**  
**ADMINISTRATIVE LAW JUDGE**

**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](https://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. 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](mailto: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. Requests MOAHR receives more than 30 days from the mailing date of this Hearing Decision may be considered untimely and dismissed.



**Via Electronic Mail:**

**Respondent**  
JACKSON COUNTY DHHS  
301 E LOUIS GLICK HWY  
JACKSON, MI 49201  
**MDHHS-JACKSON-HEARINGS@MICHIGAN.GOV**

**Interested Parties**  
BSC4  
B. CABANAW  
M. HOLDEN  
MOAHR

**Petitioner**  
[REDACTED]  
[REDACTED]  
[REDACTED] MI [REDACTED]  
[REDACTED]