

FAMILY INDEPENDENCE AGENCY
FAMILY SERVICES ADMINISTRATION
FOOD STAMP PROGRAM

(By authority conferred on the family independence agency by section 6 of Act No. 280 of the Public Acts of 1939, as amended, being §400.6 of the Michigan Compiled Laws)

R 400.3001 Definitions.

Rule 1. As used in these rules:

- (a) "Administrative recoupment" means a process by which a group's benefits are reduced to make payments on an overissuance.
- (b) "Application filing date" means the date that an agency receives a signed application document that includes the minimum required information.
- (c) "Collection actions" means the family independence agency (FIA) processes initiated to maximize recovery of overissued benefits.
- (d) "Food stamp cash out" means the provision of food stamp benefits through warrants instead of food stamp coupons.
- (e) "Food stamp student status" has the meaning specified in the food stamp act of 1977, 7 U.S.C. §2015(e)(1) and (2).
- (f) "Group living arrangement" has the meaning specified in the food stamp act of 1977, 7 U.S.C. §2012 (i)(7).
- (g) "Mail date" means the date that a food stamp cash out warrant was issued.
- (h) "Nonprofit" means tax-exempt under section 501(c)(3) of the internal revenue code of 1986, 26 U.S.C. §501(c)(3).
- (i) "Overissuance" means an issuance of more benefits than the group is eligible for.
- (j) "Per diem" means a daily rate.
- (k) "Recoupment" means an FIA action to identify and recover a benefit overissuance.
- (l) "Repayment" means an action by a group to pay back benefits received.
- (m) "Returned warrants" means uncashed warrants received by the local FIA office or treasury.
- (n) "Stop payment" means an FIA directive to treasury to not honor a warrant.
- (o) "Substance abuse treatment center (SATC)" means a facility that provides special living arrangements and a complete program for the treatment of addiction to drugs or alcohol, or both.
- (p) "Treasury" means the Michigan department of treasury.
- (q) "Verification" means documentation or other evidence to establish the accuracy of a client's verbal or written statements.
- (r) "Warrant date" means the date shown on the warrant. For regular client warrants, the warrant date is the expected date of delivery. For replacement warrants, the warrant date is the date the warrant was mailed.

History: 1997 AACCS.

R 400.3002 Rescinded.

History: 1997 AACCS; 2012, MR 12, repealed eff. March 22, 2002.

R 400.3003 Rescinded.

History: 1997 AACCS; 2012, MR 12, repealed eff. March 22, 2002.

R 400.3004 Rescinded.

History: 1997 AACCS; 2012, MR 12, repealed eff. March 22, 2002.

R 400.3005 Applications.

Rule 5. The application process shall be completed as specified in the food stamp act of 1977, 7 U.S.C. §2020 and 7 C.F.R. §273.2, except as follows:

(a) An application may be submitted by fax on a form prescribed by an agency. The original, signed application shall be received by the agency before benefits are approved.

(b) An application may be denied within 30 calendar days from the application filing date if the applicant was interviewed and allowed not less than 10 calendar days to provide requested verifications.

(c) If an application is denied within 30 calendar days from the application filing date, and the applicant subsequently completes the application requirements within the original 30 calendar days, then benefits shall be provided back to the original date of application if the group is eligible.

(d) An applicant who fails to contact the agency after missing the application interview shall not have a second interview automatically scheduled.

History: 1997 AACCS.

R 400.3006 Temporary absence from home.

Rule 6. (1) A person is temporarily absent from the home if all of the following provisions apply:

(a) The person's location is known.

(b) There is a definite plan for the person's return.

(c) The person lived with the group before the absence.

(d) The absence has lasted or is expected to last 30 calendar days or less.

(2) The 30-calendar-day provision in subrule (1)(d) of this rule does not apply if the absence is due to hospitalization.

(3) A person who is temporarily absent as specified in subrules (1) and

(2) of this rule is considered to be living in the home and continues to receive assistance.

History: 1997 AACCS.

R 400.3007 Rescinded.

History: 1997 AACCS; 2012, MR 12, repealed eff. March 22, 2002.

R 400.3008 Rescinded.

History: 1997 AACCS; 2012, MR 12, repealed eff. March 22, 2002.

R 400.3009 Child support; good cause claim and determination; exceptions to cooperation requirement.

Rule 9. (1) A client shall take all action required by Act No. 280 of the Public Acts of 1939, as amended, being §400.1 et seq. of the Michigan Compiled Laws, to establish paternity and obtain support.

(2) A client may claim good cause for not taking the action specified in subrule (1) of this rule. Good cause includes any of the following reasons:

(a) The child entitled to support was conceived due to incest or forcible rape.

(b) Legal proceedings for the adoption of the child entitled to support are pending before a court.

(c) A client is currently receiving counseling from a public or licensed private social agency to decide if the child entitled to support should be released for adoption and the counseling has not continued for more than 3 months.

(d) Serious physical harm to the child entitled to support.

(e) Serious physical harm to the client.

(f) Serious emotional harm to the child entitled to support that actually harms the child's ability to function in everyday life.

(g) Serious emotional harm to the client that actually harms the client's capacity to adequately care for the child entitled to support.

(3) A client's cooperation in establishing paternity and obtaining support is not required if good cause exists for not cooperating, but a support action may proceed if the FIA determines that the action would not endanger the child entitled to support or the client.

(4) Once a client is informed of the right to claim good cause and decides to make the claim, the client shall do all of the following:

(a) Specify the type of good cause.

(b) Specify the persons covered by the good cause reason.

(c) Provide written evidence to support the claim within 20 calendar days of filing the claim.

(5) A good cause determination shall be made within 45 calendar days of the client's written claim, unless the client was granted an additional 25-calendar-day extension to the original 20-calendar-day limit and more information is needed that cannot be obtained within the 45-calendar-day limit.

(6) A good cause determination shall make 1 of the following findings:

(a) Good cause does not exist and the client must cooperate.

(b) Good cause does exist and the client's cooperation in obtaining support is not required.

(c) Good cause does exist, but a support action can proceed without the client and without endangering the client or the child entitled to support.

History: 1997 AACS.

R 400.3010 Imposition of support disqualification; removal of support disqualification.

Rule 10. (1) Failure to cooperate in obtaining support without good cause results in disqualification and a minimum of a 1-month period of ineligibility for the person who failed to cooperate.

(2) The remaining group members may receive full program benefits, if eligible.

(3) If the noncooperative person remains disqualified for 4 consecutive months for failure to cooperate in obtaining support, then the entire case is closed. The case shall remain closed for a minimum of 1 month and cannot be reopened until the noncooperative person cooperates and takes action to establish paternity or obtain support.

History: 1997 AACS.

R 400.3011 Benefit overissuance collection and repayment actions.

Rule 11. (1) The FIA will seek recoupment of food stamp program benefit overissuances from active or inactive food stamp groups by cash repayment or benefit reduction through administrative recoupment processes.

(2) The FIA will seek recoupment of benefit overissuances from any adult who was a group member when the overissuance occurred.

(3) If the overpaid food stamp group did not include a qualified or disqualified adult at the time of the overissuance, then a collection action will not be initiated unless the overissuance was established through court action or by obtaining a signed repayment agreement.

(4) The FIA will recoup overissuances to active food stamp cases through benefit reduction, unless cash payments are ordered by a court.

(5) If an overissuance is not paid in full, then food stamp benefits will be reduced by the percentage specified in the food stamp act of 1977, 7 U.S.C. §2022(b).

(6) If a court orders cash repayment and the active food stamp client does not make regular cash payments, then the FIA will change the collection method to benefit reduction.

(7) Local FIA offices may pursue collection from estates through probate court claim action for a person who dies and has an overissuance balance.

(8) A payment received as restitution under the terms of probation will reduce the balance owed, but the completion of the probation period or the performance of a requirement of probation does not reduce the amount owed in excess of the actual dollar amount paid toward the overissuance.

History: 1997 AACS.

R 400.3012 Rescinded.

History: 1997 AACS; 2012, MR 12, repealed eff. March 22, 2002.

R 400.3013 Rescinded.

History: 1997 AACS; 2012, MR 12, repealed eff. March 22, 2002.

R 400.3014 Benefits for food stamp-eligible recipients in group living arrangements.

Rule 14. (1) The family independence agency will provide benefits to food stamp-eligible recipients in the form of a warrant issued to the group home provider.

(2) The warrant will be issued after the end of each month and will be based on the number of days the group living arrangement operator certifies that the eligible recipient was a resident during that month.

(3) Effective January of each year, the family independence agency will set a per diem rate based on the average daily food stamp benefit amount that is issued to all food stamp recipients the previous October.

History: 1997 AACS.

R 400.3015 Rescinded.

History: 1997 AACS; 2012, MR 12, repealed eff. March 22, 2002.