

DEPARTMENT OF HUMAN SERVICES
FAMILY PROGRAM POLICY ADMINISTRATION
FOOD ASSISTANCE PROGRAM

(By authority conferred on the department of social services by section 6 of 1939 PA 280, MCL 400.6)

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 the department receives a signed application document that includes the minimum required information.
- (c) "Collection actions" means the department processes initiated to maximize recovery of overissued benefits.
- (d) "Department" mean the Michigan department of human services.
- (e) "Nonprofit" means tax-exempt under section 501(c)(3) of the internal revenue code of 1986, 26 U.S.C. §501(c)(3).
- (f) "Group living arrangement" has the meaning specified in the food stamp act and nutrition act of 2008, 7 U.S.C. §2012 (i)(7).
- (g) "Overissuance" means an issuance of more benefits than the group is eligible to receive.
- (h) "Per diem" means a daily rate.
- (i) "Recoupment" means a department action to identify and recover a benefit overissuance.
- (j) "Repayment" means an action by a group to pay back benefits received.
- (k) "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.
- (l) "Supplemental nutrition assistance program student status" has the meaning specified in the food and nutrition act of 2008, 7 U.S.C. §2015(e)(1) and (2) and 7 C.F.R. 273.5.
- (m) "Treasury" means the Michigan department of treasury.
- (n) "Verification" means documentation or other evidence to establish the accuracy of a client's verbal or written statements.

History: 1997 AACS; 2014 AACS.

R 400.3002 Rescinded.

History: 1997 AACS; 2012 AACS.

R 400.3003 Rescinded.

History: 1997 AACS; 2012 AACS.

R 400.3004 Rescinded.

History: 1997 AACS; 2012 AACS.

R 400.3005 Applications.

Rule 5. The application process shall be completed as specified in the food and nutrition act of 2008, 7 U.S.C. §2020 and 7 C.F.R. §273.2, except as follows:

(a) An application may be submitted by fax, mail, hand delivered or applied for online on a form prescribed by the department.

(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 department after missing the application interview shall not have a second interview automatically scheduled.

History: 1997 AACS; 2014 AACS.

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 AACS.

R 400.3007 Rescinded.

History: 1997 AACCS; 2012 AACCS.

R 400.3008 Rescinded.

History: 1997 AACCS; 2012 AACCS.

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 1939 PA 280, MCL §400.1 to 400.122 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) Physical or emotional harm may result if the client or child has been subject to or is in danger of any of the following:

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

(ii) Serious physical harm to the client.

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

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

(e) Sexual abuse

(f) Sexual activity involving a dependent child.

(g) Being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities.

(h) Threats of, or attempts at, physical or sexual abuse.

(i) Mental abuse.

(j) Neglect or deprivation of medical care.

(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 department determines that the action would not endanger the child entitled to support or the client.

(4) If a client is informed of the right to claim good cause and decides to make the claim, -then he or she 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. The time period shall be extended up to 25 calendar days if the client has difficulty obtaining the evidence.

(5) The department shall make a good cause determination 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) The department shall make a good cause determination based on 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 AACCS; 2014 AACCS.

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

Rule 10. (1) Failure to cooperate in obtaining support without good cause shall result 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 family independence program (FIP) closes due to child support non-cooperation, the last FIP grant is budgeted in the FAP budget for 1 month.

(4) The noncooperative person shall remain disqualified until he or she cooperates and takes action to establish paternity or obtain support.

History: 1997 AACCS; 2014 AACCS.

R 400.3011 Benefit overissuance collection and repayment actions.

Rule 11. (1) The department shall seek recoupment of food assistance program (FAP) benefit overissuances from active or inactive FAP groups by cash repayment or benefit reduction through administrative recoupment processes.

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

(3) If the overpaid FAP 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 department shall recoup overissuances to active FAP cases through benefit reduction, unless cash payments are ordered by a court.

(5) If an overissuance is not paid in full, then FAP benefits will be reduced by the percentage specified in the food and nutrition act of 2008, 7 U.S.C. §2022(b).

(6) If a court orders cash repayment and the active FAP client does not make regular cash payments, then the department shall change the collection method to benefit reduction.

(7) Local department 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; 2014 AACS.

R 400.3012 Rescinded.

History: 1997 AACS; 2012 AACS.

R 400.3013 Rescinded.

History: 1997 AACS; 2012 AACS.

R 400.3014 Rescinded.

History: 1997 AACS.

R 400.3015 Rescinded.

History: 1997 AACS; 2014 AACS.