

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED]

Claimant

Reg. No: 2009-16640

Issue No: 1005, 3008

Case No. [REDACTED]

Load No: [REDACTED]

Hearing Date:

April 23, 2009

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Tyra L. Wright

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon Claimant's request for a hearing. After due notice, a hearing was held on April 23, 2009. The Claimant personally appeared and testified. A family independence specialist represented the Department.

ISSUES

Did the Department properly deny Claimant's application for Family Independence Program (FIP) and Food Assistance Program (FAP) benefits on the grounds that he failed to provide the Department with his daughters' social security numbers?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

- (1) Claimant was a FIP recipient for a group size of two comprised of his two minor daughters. He was a FAP recipient for a group size of three that included himself and his two daughters.

- (2) Previously, duplicate benefits had been issued to Claimant and the mother of his children.
- (3) To prepare for migration to the new Bridges system, in September 2008, the Department asked Claimant to provide the social security numbers of his two daughters.
- (4) Claimant did not provide the social security numbers.
- (5) Claimant contends that (a) he did not get a request for the social security numbers, (b) he has, since 2000, received several request for his daughters' social security numbers and that he has provided the numbers several times, (c) Department caseworkers kept telling him that the system would not accept the social security numbers, and (d) the last time the Department asked for his daughters' social security numbers, he ignored the request.
- (6) When the Department did not receive the daughters' social security numbers, the Department mailed a letter stating that his case would close in 12 days.
- (7) Due to Claimant's failure to provide the daughters' social security numbers, his FIP case was closed on January 21, 2009 and the daughters were removed from the FAP case, resulting in a FAP group size of one instead of three. The reduced group size resulted in reduced benefits.
- (8) Department received Claimant's hearing request on March 11, 2009. (Exhibit 1).

CONCLUSIONS OF LAW

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, et seq. The Department of Human Services (formerly known as the Family Independence

Agency) administers the FIP program pursuant to MCL 400.10, et seq., and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The Food Assistance Program (FAP) (formerly known as the Food Stamp (FS) program) is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the FAP program pursuant to MCL 400.10, et seq., and MAC R 400.3001-3015. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

**CLIENT OR AUTHORIZED REPRESENTATIVE
RESPONSIBILITIES**

Responsibility to Cooperate All Programs

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of necessary forms. (PAM 105, p. 5)

**Refusal to Cooperate Penalties
All Programs**

Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. (PAM 105, p. 5)

Under PAM 105 “clients must cooperate with the local office in determining initial and ongoing eligibility.” In this case, the Department’s testimony was found to be more credible than Claimant’s testimony, largely because Claimant admitted that he ignored the Department’s last request for his daughters’ social security numbers. Therefore, it is found that Claimant willfully failed to cooperate with the Department’s request. Consequently, the Department properly closed his FIP case and removed his daughters from the FAP case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department properly closed Claimant's FIP and properly reduced the group size of his FAP case.

/s/

Tyra L. Wright
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 04/28/09

Date Mailed: 04/29/09

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

TW/dj

cc:

