

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: 2009-27921

Issue No: 3055

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

August 5, 2009

Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Marlene B. Magyar

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, an in-person hearing was held on August 5, 2009. Claimant personally appeared and testified.

ISSUE

Does claimant owe any recoupment money to the Department of Human Services (DHS), and did the department properly deny claimant's application for Family Independence Program (FIP) benefits last year?

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 is a 45-year-old single mother who lives with her 19-year-old son [REDACTED] in a house her parents own; she has been living there since her son was in grade school.

- (2) Claimant is receiving monthly [REDACTED] reportedly due to her Bipolar condition (Department Exhibit #3).
- (3) In June 2008, claimant's parents petitioned her into a local hospital on an involuntary psychiatric admission (approximately two weeks).
- (4) Claimant last worked at a car parts factory but she left that job in April 2005, and she has remained unemployed since.
- (5) In 1999, the department determined claimant owed Food Stamp (FS) and Aid to Dependent Children (ADC) overissuances (Department Exhibit #1, pg 1; Department Exhibit #2, pg 1).
- (6) By claimant's August 5, 2009 hearing date, she reported she returned all this money to the department and she no longer owed [REDACTED] in FS money or [REDACTED] in ADC money (Client Exhibit A, pgs 1-6).
- (7) The department's verified computer accounting system (BRIDGES) confirms claimant's balances have been paid in full (Department Exhibit #4, pgs 1-3).
- (8) In June 2008, claimant told the department her then 18-year-old son was still in school.
- (9) The department asked claimant to provide proof of her son's school attendance (verification), which had to be completed by school officials.
- (10) When claimant did not provide the requested verification, her June 20, 2008 FIP application was denied (Department Exhibit #1, pg 4).
- (11) Claimant filed a timely hearing request to protest the department's FIP application denial and her FS/ADC recoupment debt.

CONCLUSIONS OF LAW

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 (DHS or department) 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).

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 (DHS or department) 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 documentary evidence of record submitted by the department at hearing (Department Exhibit #4) verifies claimant's past FS/ADC debt is paid in full. As such, no more money may be deducted from claimant's active benefit card. However, claimant is not eligible for FIP benefits because she did not supply the necessary verification within the time period allowed. The applicable departmental policy states:

FIP Only

Children ages 18 or 19 must attend high school full-time and be reasonably expected to graduate by age 20 as a condition of eligibility. PEM Item 245, pg 1.

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 the necessary forms. PAM, Item 105, p. 5.

At application and redetermination:

- . Thoroughly review all eligibility factors in the case.

Applications and redeterminations must be completed within the standards of promptness. See PAM 115, 210. PAM, Item 105, p. 11.

VERIFICATION AND COLLATERAL CONTACTS

DEPARTMENT POLICY

All Programs

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements.

Obtain verification when:

- . required by policy. PEM items specify which factors and under what circumstances verification is required.
- . required as a local office option. The requirement **must** be applied the same for every client. Local requirements may **not** be imposed for MA, TMA-Plus or AMP without prior approval from central office.

- information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. The questionable information might be from the client or a third party. PAM, Item 130, p. 1.

Verification is usually required at application/redetermination **and** for a reported change affecting eligibility or benefit level. PAM, Item 130, p. 1.

Only **adequate** notice is required for an application denial. **Timely** notice is required to reduce or terminate benefits.

The above-referenced policy is clear. Clients have the responsibility to establish their household meets all of the eligibility criteria necessary to qualify for the benefits being sought. Furthermore, nothing in policy requires the department to issue bus passes or provide transportation to applicants to fulfill these requirements, as claimant alleged at hearing. Therefore, no basis exists in fact, law or departmental policy to reverse the department's denial of FIP to claimant last year.

Lastly, claimant alleges various Constitutional rights violations against the department's workers over the entire time she has been active on assistance. These matters are not properly before this Administrative Law Judge pursuant to the following policy directive:

Administrative Law Judges have no authority to make decisions on constitutional grounds, overrule statutes, overrule promulgated regulations or overrule or make exceptions to the department policy set out in the program manuals.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides claimant paid her past FS/ADC overissuance debt in full, and she was not eligible for FIP after her son turned 18 years old.

Accordingly, the department must refrain from initiating further recoupment action secondary to claimant's 1999 notice of same, and also, refrain from issuing any FIP benefits for the period at issue. **SO ORDERED.**

/s/

Marlene B. Magyar
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 10, 2009

Date Mailed: August 11, 2009

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 receipt 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.

MBM/db

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