

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: 2009-28008
Issue No: 1015/3002
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 23, 2009
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 September 23, 2009. Claimant appeared and testified.

ISSUE

Did the Department properly figure Claimant's Family Independence Program (FIP) and Food Assistance Program (FAP) benefits?

FINDINGS OF FACT

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

1. On January 12, 2009 Claimant reported she was no longer working at salon.

Claimant was sent employment verification. Verification returned unsigned with hand written note indicating salon was under new management and had all new employees.

2. The Department requested additional verification indicating the verification received was not adequate.
3. On May 26, 2009 verification of new employment at [REDACTED]
4. On June 9, 2009 New Budget completed. This included both jobs income.
5. On June 18, 2009 the Claimant requested a hearing.

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 (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 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).

In the present case, the Claimant disputed the use of income in her FIP and FAP June 2009. The Claimant testified she informed the Department she was not employed at

the hair salon as of January 2009. The Claimant testified she didn't know the new operator or the staff at the salon. The Claimant indicated the salon had all new staff.

This Administrative Law Judge finds the Claimant's testimony less than credible. The Claimant indicated that the business she had worked at had sold and she didn't know the new owners or workers. Records presented by the Department indicate the Claimant's sister owns the business. The Claimant admitted that the person in question was in fact her sister. The Department had requested additional verification of job ending and the Claimant failed to provide. The Claimant was working for cash so records are not available. The Department cannot remove budgeted employment without verification of the employment ending. The Claimant's conduct and testimony is questionable at best and the Department appropriately determined the Claimant's statements alone are insufficient evidence of the job ending. Since the Claimant to date has not provided any proof of the employment ending the Department appropriately kept the income budgeted.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services was acting in compliance with Department policy when it reduced the Claimant's FIP and FAP benefits.

Accordingly, the Department is hereby UPHELD.

/s/

Jonathan W. Owens
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 10/6/09

Date Mailed: 10/7/09

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 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.

JWO/at

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