

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Claimant

Reg. No.: 2009-28878
Issue No.: 1005/3008
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
August 12, 2009
Wayne County DHS (43)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice, an in person hearing was held on August 12, 2009. The Claimant personally appeared and testified.

ISSUE

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

FINDINGS OF FACT

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

1. On May 5, 2009, the Department sent the claimant a verification checklist scheduling an appointment for May 12, 2009, as part of a redetermination
2. The claimant failed to report for the interview and failed to provide the requested verifications.

3. On May 27, 2009, the department closed the claimant's FIP and FAP.
4. On June 30, 2009, the Claimant filed a request second for 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 (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).

The instant case, the department closed the claimant's FIP and FAP when she failed to appear for a scheduled in person interview.

At the hearing the claimant stated that she had moved in May but had not informed the department because she didn't know she was required to do so.

Other changes must be reported within 10 days after the client is aware of them. These include, but are **not** limited to, changes in:

Persons in the home.
Marital status.
Address and shelter cost changes that result from the move.
Vehicles.
Assets.
Child support expenses paid.
Health or hospital coverage and premiums.
Day care needs or providers. (PAM 105, p.7).

Here, the claimant stated that she did not know that she was responsible for reporting a change of address. Pursuant to policy claimant was responsible for notifying the department of a change of address. Claimant does not have good cause for failure to cooperate in providing verifications and in the redetermination process.

This ALJ finds that the department was correct in closing the claimant's FIP and FAP. The claimant should reapply for benefits.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, AFFIRMS the Department's action in the instant case.



Michael J. Bennane
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 09/25/09

Date Mailed: 09/25/09

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

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motion where the final decision cannot be implemented within 60 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.

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