

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.: 2009-30383
Issue No.: 1017/3002/6019
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
August 27, 2009
Wayne County DHS (15)

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 a telephone hearing was held on August 27, 2009. The Claimant personally appeared and testified. Also testifying was [REDACTED] the father of the claimant's children and also a member of the claimant's benefit groups.

ISSUE

Did the Department properly deny the claimant's Family Independence Program (FIP), calculate her Food Assistance (FAP), benefits correctly and close her Child Development and Care (CDC)?

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 22, 2009, the claimant was a CDC and FAP recipient and applied for FIP.

2. On July 10, 2009, the Claimant filed a request for a hearing, protesting the denial of her FIP and the closing of her CDC.

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 (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 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 Child Development and Care program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department of Human Services (formerly known as the Family Independence Agency) provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are

contained in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

In the instant case the Claimant questions the FAP benefits allowed, the denial of her FIP and the closure of her CDC.

At the hearing the department testified that the claimant had not supplied it with verification of [REDACTED] check stubs. [REDACTED] claims to have faxed check stubs to the department.

In any event, the department has verification of [REDACTED] work hours and the department is using same to deny the claimant FIP. On the other hand because it claims to not have received the aforementioned check stub it has closed the claimant's CDC.

Types of Verification

All Programs

Use documents, collateral contacts or home calls to verify information.

A **document** is a written form of verification. It may include a photocopy, facsimile or e-mail copy if the source is identifiable.

Permanent documents must be obtained only once. Examples: birth certificate, passports, divorce papers, death notice.

Nonpermanent documents must be current. Examples: driver's license, pay stub, rent receipt, utility bill, DHS-49.

FIP, SDA, and MA

Documents used to verify citizenship and identity may be originals or copies of the original document. Facsimiles or emails are NOT acceptable documents for citizenship or identity.

Current means the following:

Income documents must correspond to the period used to determine eligibility or benefit amount (e.g., patient-pay amount). See PEM 500. (PAM 130, pp. 1-2).

Verification Sources

All Programs

“**Verification Sources**” of each PEM item lists acceptable verifications for specific eligibility factors. Other, less common sources may be used **if** accurate and reliable. (PAM 130, p.4).

Here, the department has employment verification from [REDACTED] employer.

This ALJ finds that the department cannot have it both ways. It wishes to use the employment verification supplied by the claimant to deny FIP based on income but not use the same verification to figure CDC.

As to the FAP amount the claimant and the department reached an agreement. The department has agreed to check the FAP allotments and make any appropriate corrections.

Based on the employment verification the department was correct in closing the claimant’s FIP for excess income.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, **AFFIRMS** the department’s closure of the claimant’s FIP and **REVERSES AND ORDERS** the department to reopen the claimant’s CDC back to the date of closure and replace any lost benefits. Furthermore, the department has agreed to recheck the FAP allotments and make any appropriate corrections.



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

Date Signed: 11/05/09

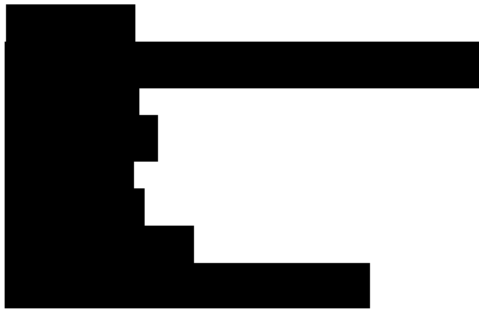
Date Mailed: 11/05/09

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 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.

MJB/jlg

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