

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.: 2009-31636

Issue No.: 2012/3014

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

August 31, 2009

Wayne County DHS (49)

ADMINISTRATIVE LAW JUDGE: Michael J. Benmane

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 31, 2009. The claimant personally appeared and testified.

ISSUE

Did the Department properly calculate the Claimant's Family Independence Program (FIP) and Food Assistance Program (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. The Claimant was a FAP recipient. The group size is three (3).
2. On March 11, 2009, the court returned the claimant's children to her custody.
3. On March 16, 2009, the claimant informed the department that her FAP group had changed with the return of her children.

4. On May 26, 2009, the claimant applied for FIP.
5. On July 28, 2009, the department corrected a problem with the “bridges” system and the claimant’s children were added to her cases back to July 1, 2009.
6. On July 27, 2009, the Claimant filed a request for a hearing.

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).

Here, the department testified to an error with the new “bridges system. The department testified that the problem was corrected on July 28, 2009 by the addition of the claimant’s children in her FIP and FAP cases.

However, the department acknowledges the FIP application on May 26, 2009, but only corrected the bridges error back to July 1, 2009.

There is evidence that the department was aware of the return of the claimant's children as of March 16, 2009, and the children should have been included in the claimant's FAP case at that time.

In addition the children should have been included in the FIP case that began with the May 26, 2009, FIP application.

As to the FAP inclusion:

DEPARTMENT POLICY

You must determine who is included in the Food Assistance Program (FAP) group prior to evaluating the nonfinancial and financial eligibility of everyone in the group.

To establish FAP group composition determine:

Who lives together.

The relationship(s) of the people who live together.

Whether the people living together purchase and prepare food together or separately, and

Whether the person(s) resides in an eligible living situation.
(See "[LIVING SITUATIONS](#)" in this item.)

RELATIONSHIPS

The relationship(s) of the people who live together affects whether they must be included or excluded from the group. First determine if they **must** be included in the group. If they are **not** mandatory group members, then determine if they purchase and prepare food together or separately.

(PEM 212, p.1).

As to the FIP inclusion:

DEPARTMENT POLICY

FIP

Group composition is the determination of which persons living together are included in the FIP program group and the eligible group. To be eligible for FIP, a child must live with a caretaker. (PEM 210, p.1).

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, REVERSES AND ORDERS the Department to replace any lost benefits in the claimant's FAP back to the return of the Claimant's children on March 16, 2009, and lost benefits in the claimant's FIP back to the date of application May 26, 2009.



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

Date Signed: 09/29/09

Date Mailed: 09/29/09

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 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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