

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: 2009-31697

Issue No: 1000; 3014

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

August 27, 2009

Calhoun County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 telephone hearing was held on August 27, 2009. Claimant personally appeared and testified along with her father [REDACTED]

ISSUES

1. Did the department take negative action on claimant's Family Independence Program (FIP) benefits?
2. Did the department correctly deny claimant's Food Assistance Program (FAP) benefits in June, 2009?

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 applied for FIP, FAP and MA on June 16, 2009 as a 20 year-old single pregnant woman. Claimant stated on her application and during the interview that she had just moved from New Jersey on June 13, 2009 and was living with her parents.

2. Claimant's parents were already FAP recipients and claimant's caseworker advised her that since she is 20 years of age she must be added to her father's FAP case.

3. Claimant's FAP application was denied on June 16, 2009 and she was to be added to her parents' FAP case. Claimant called on June 18, 2009 and left a message she had now moved into her own place.

4. Department received a rental agreement on June 26, 2009, verifying that the claimant was indeed living in a different apartment in the same apartment complex as her parents. Claimant was informed that she must re-apply for FAP benefits as her previous application had already been denied.

5. Claimant requested a hearing on July 27, 2009.

#### 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 (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).

Hearing testimony from the claimant and her father was that the department had reduced her FIP benefits due to employment at McDonalds based on income she does not receive, and that she had not received enough FIP money to pay her rent for August, 2009. Department explained that the claimant has indeed received full FIP grant of \$305 for the month of August, 2009, which is a FIP allowance for a pregnant woman. Claimant had apparently had her baby on [REDACTED], but agrees that the department could not have increased her August grant by guessing when she would give birth, and that such event must first take place in order for the member add to occur.

Secondly, claimant and her father were upset about the notifications she received stating that her FIP grant would close for September, 2009 due to her [REDACTED] income. Department however explained that the September, 2009 FIP grant was increased back to \$305 per month once the verification of claimant's true income was received. Claimant and her father now understand department's actions, and no negative action has occurred on claimant's FIP grant.

Departmental policy does require that parents and children under 22 years of age who live together be included in the same FAP group regardless of whether the child has his/her own spouse or child who lives with the group. BEM 212, p. 1. When the claimant applied for FAP on June 16, 2009, she was living with her parents, and, being that she is 20 years old, had to be added to their FAP case. Department therefore correctly denied claimant's FAP application on

this date. Claimant's living circumstances did change after the application denial and she was advised to re-apply for FAP benefits due to this change.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department did not take any negative action on claimant's FIP benefits, and that the department also correctly denied claimant's FAP application in June, 2009.

Accordingly, department's action is AFFIRMED, and it is SO ORDERED.

/s/  
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Ivona Rairigh  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: September 3, 2009

Date Mailed: September 8, 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 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 mailing 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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