

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: 2009-33098
2009-33097
Issue No: 3000, 1000,
6000
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 14, 2009
Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 conducted from Detroit, Michigan on August 10, 2009. The Claimant appeared and testified. Elaine Vereecke, AP Supervisor, appeared on behalf of the Department.

ISSUE

Did the Department properly determine ongoing eligibility for Food Assistance (FAP), Child Day Care (CDC) and Family Independence Program (FIP) benefits?

FINDINGS OF FACT

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

1. Claimant was a recipient of FAP benefits in a household of 4.
2. Department sent a re-determination packet to claimant requesting updated information.

3. Claimant timely returned the requested information needed for re-determination.
4. The department did not timely process the re-determination and claimants FAP benefits closed on June 30, 2009.
5. Claimant reapplied for FAP benefits, which were opened July 16, 2009.
6. At the hearing, the Department agreed claimant is owed FAP benefits from the June 30, 2009 closure until the new FAP case opened July 16, 2009.
7. Claimant also applied for CDC and FIP benefits.
8. Claimant filed hearing request on July 10, 2009 and July 23, 2009 to contest the closure of the FAP benefits as well as the processing of the CDC and FIP applications.
9. Department has opened the child care benefits.
10. Claimant agreed there are no remaining issues regarding the CDC benefits.
11. As of the date of the hearing, the department is continuing to process the FIP case and has provided claimant with notice to attend a JET appointment.

CONCLUSIONS OF LAW

The Food Assistance Program, 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”), formally known as the Family Independence Agency, administers the FAP program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in the Program Administrative Manual (“PAM”), the Program Eligibility Manual (“PEM”), and the Program Reference Manual (“PRM”).

The department periodically reevaluates cases to ensure that eligibility for program benefits continues. PAM 210. Clients must cooperate with the local office in determining initial

and ongoing eligibility including completion of necessary forms. PAM 105. Under PAM 210, the department is to allow clients a full 10 calendar days from the date the verification is requested (date of request is not counted) to provide all documents and information. The department must also help clients who need and request assistance in obtaining verifications, and may extend the time limit, if necessary. PAM 130 and 210.

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 (DHS or department) 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).

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 Dependant 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 Family Independence Program (FIP) provides temporary cash assistance to support a family's movement to self-sufficiency. The recipients of FIP engage in employment and self-sufficiency-related activities so they can become self-supporting. Federal and State laws require each work eligible individual (WEI) in the FIP group to participate in the Jobs, Education and

Training (JET) Program or other employment-related activities unless temporarily deferred or engaged in activities that meet participation requirements. These clients must participate in employment and/or self-sufficiency related activities to increase their employability and obtain stable employment. PEM 230A.

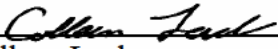
Under Program Administrative Manual Item 600, clients have the right to contest any agency decision affecting eligibility or benefit levels whenever they believe the decision is illegal. The agency provides an Administrative Hearing to review the decision and determine if it is appropriate. Agency policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the agency receives a hearing request and continues through the day of the hearing.

In the present case claimant is contesting the closure of her FAP benefits and the processing of her CDC and FIP applications. At the hearing, the department agreed that claimant timely returned the requested information for FAP re-determination and is still owed FAP benefits from the June 30, 2009 case closure until the new FAP case opened July 16, 2009. Claimant testified this missed benefits period is the only remaining issue regarding the FAP benefits. Both parties agreed that the CDC benefits are open and there are no remaining issues regarding this benefit program. The department is continuing to process the FIP application and claimant testified she has received notice to attend a JET program appointment. Since the claimant and the department have come to an agreement it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department and claimant have come to a settlement regarding claimant's request for a hearing.

Therefore, it is ORDERED that the department supplement claimant for the lost FAP benefits from the June 30, 2009 closure until the new FAP case was opened July 16, 2009 and continue processing the FIP application awarding benefits to claimant, if appropriate, in accordance with this settlement agreement.



Colleen Lack
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 10/05/09

Date Mailed: 10/06/09

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 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.

CL/dj

cc:

