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:　　2009-4436
Issue No:　　1001, 2006, 3008
Case No:　　████████
Load No:　　████████
Hearing Date:
January 29, 2009
Kent County DHS

ADMINISTRATIVE LAW JUDGE:　Gary F. Heisler

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 hearing was held on January 29, 2009. Claimant appeared and testified.

ISSUES

(1)　Did the Department of Human Services properly deny Claimant's Family Independence Program (FIP) application due to no verification of an eligible child in the home?

(2)　Did the Department of Human Services properly close Claimant's Medical Assistance (MA) case due to her failure to provide necessary verifications?

(3)　Did the Department of Human Services properly close Claimant's Food Assistance Program (FAP) case due to her failure to provide necessary verifications?

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 was an ongoing recipient of Food Assistance Program (FAP) and Medical Assistance (MA) benefits. Claimant's Food Assistance Program (FAP) eligibility was being re-determined in October 2008. Claimant's benefit group consists of herself and her 19-year-old son.

(2)   On October 6, 2008, the Department caseworker realized that Claimant's son had reported earnings during the first and second quarter of 2008. Claimant was sent a Verification of Employment (DHS Form 38) and Verification of Student Information (DHS-3380) Form which were dues back on October 16, 2008.

(3)   On October 13, 2008, Claimant submitted an application for Family Independence Program (FIP) benefits.

(4)   On October 21, 2008, neither the Verification of Employment (DHS Form 38) nor the Verification of Student Information Form (DHS-3380) had been returned. Claimant was sent notice that her Food Assistance Program (FAP) and Medical Assistance (MA) cases were pended to close on November 4, 2008. Claimant was also sent notice that her Family Independence Program (FIP) application was denied.

(5)   On October 27, 2008, Claimant submitted a timely request for hearing about all three programs.

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 Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. 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).

In this case, Claimant's eligibility for Family Independence Program (FIP) and Medical Assistance (MA) depends on her 19-year-old son's status as a student who will graduate from high school before age 20. Determining Claimant's eligibility for Food Assistance Program (FAP) required verification by her son's former employer as to whether he was, or was not earning any income.

The Verification of Student Information Form (DHS-3380) was necessary to determine Claimant's eligibility for Family Independence Program (FIP) and Medical Assistance (MA) benefits. The Verification of Employment (DHS Form 38) was necessary to determine

Claimant's eligibility for Food Assistance Program (FAP) benefits. Claimant does not dispute that neither form was provided to the Department by the due date.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly closed Claimant's Medical Assistance (MA) and Food Assistance Program (FAP) cases due to her failure to provide necessary verifications. The Department of Human Services also properly denied Claimant's Family Independence Program (FIP) application due to no verification of an eligible child in the home.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHELD.

/s/_____
Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed:_ February 2, 2009_____

Date Mailed:_ February 3, 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 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 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.

GFH

cc: