

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: 2009-32825
Issue No: 1022; 2001; 3025
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 15, 2009
Calhoun 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 September 15, 2009. Claimant appeared and testified through a Burmese translator.

ISSUES

- (1) Did the Department of Human Services properly deny Claimant's Family Independence Program (FIP) application?
- (2) Did the Department of Human Services properly deny Claimant's Medical Assistance (MA) application?
- (3) Did the Department of Human Services properly deny Claimant's Food Assistance Program (FAP) application?

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 is a permanent resident alien with an I-551 card. Claimant's classification code is IR5, parent of a US citizen who is over the age of 21. Claimant entered the country on June 20, 2009. Claimant resides with her adult children.
- (2) On July 29, 2009, Claimant applied for Family Independence Program (FIP), Medical Assistance (MA), and Food Assistance Program (FAP) benefits.
- (3) On July 29, 2009, Claimant was sent notice that her application had been denied.
- (4) On August 4, 2009, Claimant submitted a request for hearing.

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 Adult Medical Program (AMP) is established by Title XXI of the Social Security Act; (1115)(a)(1) of the Social Security Act, and is administered by the Department of Human Services (DHS or department) pursuant to MCL 400.10, *et seq.* Department policies are contained 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).

At the hearing Claimant did not dispute her residence status or her lack of a qualifying relationship with a minor child. Claimant stated she just wants to get medical care.

Claimant is not eligible for Family Independence Program (FIP) benefits due to her residence status and lack of a qualifying relationship with a minor child.

Claimant is not eligible for Medical Assistance (MA) other than emergency services due to her residence status. Claimant may be eligible for the Adult Medical Program (AMP) but it was closed at the time of her application.

Claimant is not eligible for Food Assistance Program (FAP) due to her residence status.

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 denied Claimant's Family Independence Program (FIP), Medical Assistance (MA), and Food Assistance Program (FAP) applications.

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: October 14, 2009

Date Mailed: October 16, 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 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 [REDACTED]

cc:

[REDACTED]