

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: 2009-33078
Issue No: 1015, 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 8, 2009
Ingham 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 held on October 8, 2009. Claimant appeared and testified. [REDACTED] claimant's husband, also appeared and testified. [REDACTED], claimant's son, appeared and translated for claimant and her husband. Mary Dresel-Morris, FIS, appeared on behalf of the department.

ISSUE

Did the Department of Human Services (DHS) properly determine claimant's Family Independence Program (FIP) and Food Assistance Program (FAP) allotments?

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 FIP and FAP benefits in a household of six persons.
- (2) On April 27, 2009, claimant provided verification of an income change.

(3) On April 27, 2009, the department recalculated the budgets and determined claimant was entitled to an increase in benefits effective May 1, 2009.

(4) The department was unable to process the change on the new Bridges system. The help desk was contacted and three tickets were issued regarding this case.

(5) On June 10, 2009, claimant filed a hearing request contesting the FIP and FAP determinations.

(6) As of the date of the hearing, the help desk ticket has been elevated to emergency status.

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 Dependant Children (ADC) program effective October 1, 1996. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference manuals.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference manuals.

Under Bridges 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 filed a hearing request contesting the department's FIP and FAP determinations. At the hearing, the department agreed that the claimant is not receiving the correct monthly FIP and FAP allotments. Department further agreed that claimant submitted verification of the income change on April 27, 2009 and that after re-calculating the FIP and FAP budgets, claimant is owed supplemental benefits retroactive to May 1, 2009. However, due to problems with the new Bridges system, the department has been unable to implement the changes.

Claimant's husband also testified that his income, which previously decreased, has now ended. Claimant's husband testified that he was terminated and they now have issues relating to shelter and utility expenses. Claimant and her husband were advised to discuss the matters with the department and apply State Emergency Relief, if appropriate. The department, now aware that the income has further changed, may need verification in order to re-calculate the FIP and FAP budgets for ongoing benefits. Claimant and her husband both raised additional issues regarding actions that do not involve the Department of Human Services. However, this Administrative Law Judge has no jurisdiction for actions that have not been taken by the department

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides, that the claimant is not receiving the correct monthly FIP and FAP allotments.

Accordingly, the department's FIP and FAP determinations are REVERSED. Therefore it is ORDERED that the department re-determine claimant's FIP and FAP eligibility retroactive to May 1, 2009, awarding benefits to claimant, if appropriate, in accordance with this decision.

/s/

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

Date Signed: October 10, 2009

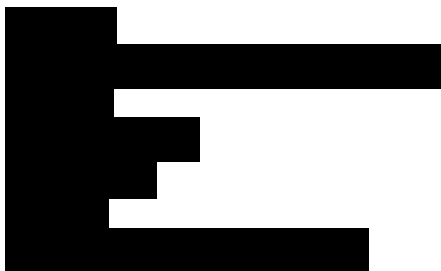
Date Mailed: October 12, 2009

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 mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the mailing date of the rehearing decision.

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