

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.: 2010-19767
Issue No.: 1015 / 3014
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
May 13, 2010
Wayne County DHS (35)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on May 13, 2010. Claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, and [REDACTED], Manager, appeared and testified.

ISSUE

1. Whether Claimant submitted a 9/2009 Assistance Application requesting Family Independence Program (FIP) benefits.
2. Whether DHS properly issued Claimant's first FIP benefit payment for 1/16/2010.
3. Whether DHS timely added Claimant's newborn to Claimant's Food Assistance Program (FAP) benefits

FINDINGS OF FACT

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

1. In 9/2009, Claimant was an ongoing FAP recipient.
2. Claimant did not submit an Assistance Application (DHS-1171) requesting FIP benefits in 9/2009.
3. Claimant gave birth to a child on 11/28/2009.
4. Claimant reported the birth of the child to DHS on a 12/23/09 DHS-1171 which also requested FIP benefits.
5. DHS issued Claimant's first FIP benefit payment for the pay period of 1/16/10-1/31/10.
6. DHS added the child to Claimant's FAP group beginning 1/2010.
7. Claimant submitted a hearing request on 1/28/10 claiming she submitted a DHS-1171 to DHS in 9/2009 and disputing that she should have received increased FIP and FAP benefits in 12/2009 due to the birth of her child.

CONCLUSIONS OF LAW

The Food Assistance Program (formerly known as the Food Stamp 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 (formerly known as the Family Independence Agency) 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 Reference Tables Manual (RFT).

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 (formerly known as the Family Independence Agency) 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

Claimant contends that she submitted a DHS-1171 requesting FIP benefits in 9/2009; as a result, Claimant believes she is entitled to FIP benefits beginning 9/2009. DHS contends that they did not receive a 9/2009 application from Claimant and that Claimant's first DHS-1171 requesting FIP benefits was submitted 12/23/09.

Claimant's argument is not persuasive. First, Claimant did not specifically mention this issue in her request for hearing. If Claimant truly submitted an application for FIP benefits three months prior to the date DHS claimed, Claimant would surely have wanted to make this allegation in her hearing request dated 1/28/10. Claimant raised the issue midway through the hearing and seemingly out of nowhere. DHS testified credibly that they did not receive a 9/2009 application from Claimant requesting FIP benefits. It is found that Claimant did not submit a 9/2009 Assistance Application.

It is not disputed that Claimant submitted a 12/23/09 Assistance Application requesting FIP benefits. DHS processed the application and issued Claimant's first FIP payment for the pay period of 1/16/2010-1/31/2010. Claimant contends that her first issuance of FIP benefits should have occurred sooner.

BAM 115 provides the policy for initial FIP benefits; it reads, "Provided the group meets all eligibility requirements, begin assistance in the pay period in which the application becomes 30 days old." BAM 115 at 17. In the present case, Claimant applied for FIP benefits on 12/23/09. Thirty days after 12/23/09 is 1/22/10. The FIP pay period containing 1/22/10 is 1/16/10-1/31/10. DHS properly issued Claimant her initial FIP benefits.

Lastly, Claimant contends that she should have received increased FIP and FAP benefits for 12/2009 due to the 11/28/09 birth of her child. Claimant contends that she reported the birth to DHS on 11/28/2009. DHS contends that Claimant did not report the birth until 12/23/09 and that DHS properly increased Claimant's FIP and FAP benefits in 1/2010. Even if Claimant's argument is accepted, Claimant is not entitled to increased FIP and FAP benefits earlier than 1/2010.

Regarding Claimant's FIP benefits, Claimant is not entitled to 12/2009 FIP benefits simply because she gave birth to a child in 11/2009. As previously discussed, DHS correctly issued Claimant's first FIP benefit payment for the pay period of 1/16/10-1/31/10 based on Claimant's 12/23/09 DHS-1171.

For ongoing FAP benefit cases, an increase in benefits caused by non-income changes, such as adding a newborn to a group, case actions are to affect the benefit month that occurs 10 days after the change is reported. BAM 220 at 8. In the present case, Claimant claims she reported her newborn to DHS on 11/28/2009. Even if Claimant's testimony is found to be true, ten days after the reporting date falls in 12/2009 and the month FAP benefits should be affected is the following month, 1/2010. Thus, DHS correctly added her child born in 11/2009 to affect Claimant's FAP benefits for 1/2010.

DECISION AND ORDER

The actions taken by DHS are AFFIRMED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds:

1. Claimant did not submit a DHS-1171 in 9/2009; and
2. DHS properly issued Claimant's first FIP payment for the benefit period of 1/16/2009-1/31/2009; and

3. DHS properly and timely added Claimant's newborn to her FAP benefits in 1/2010.



Christian Gardocki
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 6/3/2010

Date Mailed: 6/3/2010

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.

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