

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.: 2010-222
Issue No.: 3014
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
November 4, 2009
Oakland County DHS (4)

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon pursuant to MCL 400. 9; MCL 400.37 upon claimant's request for a hearing. After due notice a telephone hearing was held on November 4, 2009 claimant was present and testified, [REDACTED] and [REDACTED] [REDACTED] JET Case Manager appeared for the department and testified.

ISSUE

Is the department correct in denying claimant's FIP and Medicaid 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 applied for FIP, FAP and Medicaid on August 11, 2009.
- (2) Claimant's application for FIP and Medicaid was denied on September 19, 2009 because the Department determined that the children listed in the application did not reside with the claimant.
- (3) The child listed on claimant's application [REDACTED] does not reside with the claimant.

- (4) Claimant received FAP benefits in the amount of \$200 for a household of 1.
- (5) Claimant requested a hearing on September 10, 2009 contesting the denial of his FIP and Medicaid application and the amount of his FAP benefit.

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 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 (formerly known as the Family Independence Agency) 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 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. Pursuant to Department policy on group composition, a dependent child is an unemancipated child who lives with a caretaker. BEM 210

In the present case, the Department determined after an investigation that claimant's daughter [REDACTED] did not reside with the claimant and should not be included in his household and thus the claimant was not entitled to FIP or Medicaid benefits. FAP was awarded in the amount of \$200 for a household of 1. Claimant's wife testified at hearing that [REDACTED] does reside with the claimant but she goes to school in Grand Blanc, the district where Claimant's wife resides. Testimony was presented that claimant's daughter did not go to school in Pontiac because of issues related to a murder investigation.

Claimant disputed many of the factual assertions made by the OIG investigator. However, a document presented at hearing clearly establish that claimant's daughter is enrolled in Grand Blanc schools and that her address of record with the Grand Blanc School is in Grand Blanc. Claimant told the OIG investigator that he did not know where his wife resided, despite the fact that his child spent most weekends there. Also Claimant told the OIG agent that he had not had contact with the child's mother, despite the fact that the child's mother appeared with him at the hearing. The feasibility of commuting every weekday from Pontiac to Grand Blanc

with the claimant's limited income is also questionable. Claimant's testimony regarding where the child resides is less than credible and the Department's assessment that [REDACTED] does not reside with the claimant is correct.

Therefore the department was correct to deny FIP and MA benefits and to not include Maria Ford in claimant's FAP household.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the department was correct in the denial of FIP and MA benefits and in determining his FAP benefit, and it is ORDERED that the Department's decision in this regard be and is hereby AFFIRMED.



Aaron McClintic
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 11/23/09

Date Mailed: 11/23/09

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 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.

AM/jlg

2010-222/AM

cc:

