

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2010 38144
Issue No.: 1021, 3019
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: July 29, 2010
Wayne County DHS (49)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 held on July 29, 2010. The Claimant appeared and testified along with her grandfather [REDACTED], [REDACTED], FIS appeared on behalf of the Department.

ISSUE

Whether the Department properly closed the Claimant's FIP and FAP cases based on the understanding that she had permanently moved to Pennsylvania?

FINDINGS OF FACT

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

1. The Claimant was a FAP and FIP and MA recipient.
2. The Claimant reported to her protective service worker that she was going to Pennsylvania on vacation with her children and her grandfather to visit her family.
3. The Department improperly closed the Claimant's FIP and FAP case on June 1, 2010 based on the incorrect and erroneous belief that the Claimant had permanently left the State of Michigan.
4. The Claimant and her witness [REDACTED] testified credibly that she and her children went on vacation for the period April 24, 2010 through May 2, 2010.

5. Claimant reapplied for benefits on June 9, 2010 and received prorated benefits for June 15, 2010 and received her FAP for the month of July.
6. The Claimant did not receive her FIP cash benefits for the month of June 2010 and should have received those benefits.
7. There was no break in the Claimant's Medical Assistance Benefits.
8. The Department improperly closed the Claimant's case on June 1, 2010 and is required to retroactively reopen the Claimant's case as of June 1, 2010 for her FIP and FAP benefits. The Claimant is entitled to receive the balance of her FAP benefits for the month of June and her FIP benefits for June 2010.
9. Claimant objected to the FAP, FIP and MA case closures and filed this appeal. The Department received the Claimant's Request for Hearing on June 2, 2010.

CONCLUSIONS OF LAW

FAP

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

FIP

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 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 Bridges Program Reference Manual ("PRM").

The Claimant temporarily left the State of Michigan on vacation with her family and her FIP and FAP case was closed because of a misunderstanding by her protective service worker that she was moving to Pennsylvania. The Claimant and her Grandfather [REDACTED], who traveled with the Claimant and her family, testified credibly that she did not leave the state of Michigan to move but merely went on vacation. There was no other rebuttal evidence to refute this testimony and the Claimant is back in the State of Michigan and attending Work First. Under these circumstances the Claimant's case should not have closed and to do so was clear error by the Department. BAM 220.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department improperly closed the Claimant's FIP and FAP cases in error.

Accordingly, the Department's closure of the Claimant's FAP and FIP case on June 1, 2010 is REVERSED.

Accordingly, it is ORDERED:

The Department shall reopen and reinstate the Claimant's FIP and FAP benefits retroactive to the date of closure, June 1, 2010 and shall supplement the Claimant for any benefits she was otherwise entitled to receive.

The Department shall issue to Claimant a FAP supplement for the period June 1, 2010 through June 15, 2010 for FAP benefits she was otherwise entitled to receive.

The Department shall issue to Claimant FIP supplement for the month of June 2010 for benefits she was otherwise entitled to receive.



Lynn M. Ferris
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 07/30/2010

Date Mailed: 07/30/2010

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 of the rehearing decision.

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