

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: 2010-11060

Issue No: 1010, 2012,
3012

Case No:

Load No:

Hearing Date:

January 19, 2010

Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Steven M. Brown

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 conducted from [REDACTED] on January 19, 2010.

ISSUE

Whether the Department properly computed the Claimant's Food Assistance Program (FAP), Medical Assistance (MA) and Family Independence Program (FIP) eligibility?

FINDINGS OF FACT

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

- (1) Claimant is a FAP, MA and FIP recipient.

(2) On October 24, 2009, the Department mailed Claimant a Notice of Case Action with MA coverage for [REDACTED] for October and November 2009 and a denial of coverage after this date due to a noncooperation issue with the Office of Child Support (OCS). Coverage was continued in December 2009 after a Cooperation Notice was issued effective November 6, 2009. Claimant also received a FAP allotment of [REDACTED] in November for a group size of 4 which increased to [REDACTED] in December 2009 for a group size of 5 when the issue with OCS was resolved. (Exhibits 1, 3-5)

(3) Claimant received [REDACTED]/mo. in FIP benefits which were also set to cease in December 2009, but did not when the issue with OCS was resolved. (Exhibits 2-5)

(4) On October 28, 2009, the Department received the Claimant's hearing request.

CONCLUSIONS OF LAW

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. Departmental policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Bridges Reference Manual (BRM).

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 (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in

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

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

In the instant case, there was no dispute regarding the OCS sanction and/or its effect on November and December 2009 benefits. Claimant requested the hearing because she believed that her husband, [REDACTED], and his son should have been added in August when they were married. She testified that she first gave notice to the Department in June 2009 that she would be getting married in August and that she attempted in August and September to reach her caseworker in this regard before finally telling her in person on two occasions in October 2009. The Department testified that it had no records or recollection of Claimant adding the new members until October 2009.

Based on the testimony and documentation received at and after hearing, I find that the Department established that it acted in accordance with policy in computing Claimant's FAP, MA and FIP eligibility.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department acted in accordance with policy in computing Claimant's FAP, MA and FIP eligibility.

Accordingly, the Department's FAP, MA and FIP eligibility determinations are AFFIRMED, it is SO ORDERED.

/s/

Steven M. Brown
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: January 26, 2010

Date Mailed: January 26, 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 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 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.

SMB/db

cc:

