

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: 201032517
Issue No: 3014
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 26, 2010
Oakland County DHS (04)

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 hearing. After due notice, a telephone hearing was conducted in Wayne County, Michigan on May 26, 2010. The Claimant was present and testified. Judy Windham, FIM appeared on behalf of the Department.

ISSUE

Whether the Department properly reduced the Claimant's FAP group size and the Claimant's FAP benefits and closed the Claimant's FIP case as a result of his son's application for FAP and FIP benefits on his own behalf.

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 was a recipient of food assistance (FAP) and cash assistance (FIP) as a result of his minor son residing in the home with him.

2. On March 26, 2010, the Claimant's son, who currently resides with him at least 25 days out of the month, applied for FAP and FIP benefits in his own behalf, listing a new address not the Claimant's.
3. The Claimant's son still lived with his father for 25 days out of the month at the time of the son's application; he had been living a few days of the month with his mother. At his mother's request, he made the application. At the time the claimant's son applied, he listed his mother's address as his address.
4. The Department denied the Claimant's FIP benefits as he no longer had a child in the household and reduced the claimant's FAP group size from two persons to one person as a result of his son's application, thereby, reducing the Claimant's FAP benefits.
5. The Department issued a Notice of Case Action April 15, 2010 which affected the Claimant's FAP and FIP benefits effective May 1, 2010.
6. The Claimant's son will graduate from high school at the end of June 2010 and is 18 years of age.
7. The Claimant requested a hearing and the hearing request was received by the Department on April 23, 2010.
8. At the hearing, the Department agreed to reopen and reinstate the Claimant's FIP case and benefits retroactive to May 1, 2010.
9. The Department agreed to recalculate the Claimant's FAP benefits based on a group size of 2 members and to supplement the Claimant's FAP benefits retroactive to May 1, 2010.

10. As a result of this agreement, Claimant indicated that he no longer wished to proceed with the remainder of the hearing.

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 (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 Table (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 Bridges Program Reference Manual (PRM).

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, the Department has agreed to reopen the Claimant's FIP case retroactive to the date of closure, May 1, 2010, and supplement the Claimant for FIP benefits he was otherwise entitled to receive based on his son living with him the majority of the month. The Department further agreed to supplement the claimant's FAP benefits retroactive to May 1, 2010 and recalculate the FAP benefits for a group of two members. Additionally, the parties agreed that because the claimant's son is scheduled to graduate from high school at the end of June 2010, the Claimant's FIP would close at that time, as the claimant would no longer be eligible to receive FIP on behalf of his son.

As a result of this agreement, Claimant indicated he no longer wished to proceed with the hearing. Since the Claimant and the Department have come to an agreement, it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case.

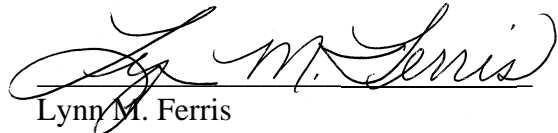
DECISION AND ORDER

The Administrative Law Judge, based upon the findings of fact and conclusions of law, finds that the Department and Claimant have come to a settlement regarding claimant's request for a hearing.

Accordingly, it is ORDERED:

1. The Department shall reopen and reinstate the Claimant's FIP case retroactive to May 1, 2010 and supplement the claimant for FIP benefits he was otherwise entitled to receive.

2. The Department further agrees to recalculate the Claimant's FAP benefits based upon a group size of 2 members which include the Claimant and his son and supplement the claimant for FAP benefits for the months of May 2010 for FAP benefits the Claimant was otherwise entitled and eligible to receive.
3. The parties further acknowledge that the Claimant's FIP case will be subject to closure at the end of June, 2010 when his 18 year old son is expected to graduate from high school.



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

Date Signed: 06/24/10

Date Mailed: 06/28/10

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.

LMF/dj

cc:

