

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: 2010-32691
Issue No: 1033, 2005, 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 8, 2010
Kalamazoo County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 held on June 8, 2010. Claimant appeared and testified.

ISSUES

Did the Department of Human Services properly deny Claimant's application for Family Independence Program (FIP) benefits based on residency requirements?

Did the Department of Human Services properly deny Claimant's application for Medical Assistance (MA) benefits based on residency requirements?

Did the Department of Human Services properly deny Claimant's application for Food Assistance Program (FAP) benefits based on failure to verify income?

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 and her husband entered the United States on temporary visas so Claimant could pursue an advanced degree at Western Michigan University.

(2) On August 6, 2007, Claimant gave birth to a son.

(3) On February 16, 2010, Claimant submitted an application for Family Independence Program (FIP), Medical Assistance (MA), and Food Assistance Program (FAP) benefits.

(4) On March 17, 2010, the application was denied. The Family Independence Program (FIP) and Medical Assistance (MA) benefits were denied because none of the group members are Michigan residents. The Food Assistance Program (FAP) benefits were denied because Claimant did not verify income in US dollars.

(5) On April 6, 2010, Claimant submitted a request for hearing.

CONCLUSIONS OF LAW

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 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 (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 Program Reference Manual (PRM).

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. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Department policy provides the following guidance for case workers. The Department's policies are available on the internet through the Department's website.

RESIDENCE

DEPARTMENT POLICY

All Programs

USCIS refers to the U. S. Citizenship and Immigration Services, formerly, the Bureau of Citizenship and Immigration or Immigration and Naturalization Service.

To be eligible, a person must be a Michigan resident. Bridges uses the requirements in the [Residence](#) section in this item to determine if a person is a Michigan resident.

RESIDENCE

FIP, SDA and AMP A person is a resident if he:

- Is not receiving assistance from another state; **and**
- Is living in Michigan, except for a temporary absence, **and**
- Intends to remain in the state permanently or indefinitely.

MA Only non-institutionalized persons)

A person is **not** a Michigan resident for any month in which he received an SSI state supplement payment from another state.

An individual is a Michigan resident if either of the following apply:

- He lives in Michigan, except for a temporary absence, **and** intends to remain in Michigan permanently or indefinitely. If the individual indicates an intent to remain in Michigan, but his official USCIS documents indicate a **temporary or time-limited period** to the visit, the individual does **not** meet the intent to remain requirements, unless he verifies that official steps are being taken with USCIS to apply for lawful permanent resident status. See BEM 225. (BEM 220)

INCOME OVERVIEW

DEPARTMENT POLICY

All Types of Assistance (TOA)

This item discusses income for:

- Family Independence Program (FIP).
- Refugee Assistance Program (RAP) which, if policy differs is divided into:
 - Refugee Assistance Program Cash (RAPC).
 - Refugee Assistance Program Medical (RAPM).
- State Disability Assistance (SDA).
- Child Development and Care (CDC).

Note: Applies to all CDC income eligible groups.

- Medicaid (MA) which, if policy differs, is divided into:
 - FIP-related MA.
 - SSI-related MA.
 - Specific MA categories.

- Adult Medical Program (AMP).
- TMA-Plus (TMAP).
- Food Assistance Program (FAP).

The phrase all TOA in this item means all types of assistance listed above. See Emergency Relief Manual (ERM) for State Emergency Relief (SER) income rules.

The group composition and program budgeting manual items specify whose income to count. The program budgeting manual items also contain program-specific income deductions and disregards.

VERIFICATION REQUIREMENTS

All TOA except Healthy Kids

Verify all non-excluded income:

- At application, including a program add, prior to authorizing benefits.

ACCEPTABLE VERIFICATION SOURCES

All TOA

Verification may be from any of the following:

- Documents (example: pay stubs or award notice).
- Letter or document from person/agency making the payment.
- Document from or collateral contact with a knowledgeable source.
- Electronic verification from a reliable source.
- Consolidated Inquiry.

The verification must confirm the gross amount. If unknown, the frequency of the payment must also be verified. (BEM 500)

In this case there is no dispute that Claimant and her family are in Michigan on temporary visas. In accordance with the above policy no one in Claimant's benefit group meets residency requirements. Claimant did provide information regarding her educational stipend but the amount was in [REDACTED]. Because Food Assistance Program (FAP) financial eligibility budgets are done in US dollars the verification requirement is for gross dollars. Claimant was informed that she could reapply for Food Assistance Program (FAP) benefits and provide verification from her local bank showing the amount of US dollars credited to her account for the stipend payments.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly denied Claimant's application for Family Independence Program (FIP) and Medical Assistance (MA) benefits based on not being a Michigan resident.

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly denied Claimant's application for Food Assistance Program (FAP) benefits based on failure to verify income.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHELD.

/s/

Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 14, 2010

Date Mailed: June 16, 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.

GFH/alc

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