

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

**IN THE MATTER OF:**



Reg. No: 2010 40382  
Issue No: 1015/3002  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
October 20, 2010  
Wayne County DHS

**ADMINISTRATIVE LAW JUDGE:** Jonathan W. Owens

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 hearing was held on October 20, 2010. Claimant appeared and testified.

The record was left open for the Department to supply a copy of the FIP and FAP budgets along with the issued benefits print screen. On October 21, 2010, the Department submitted the FIP budget and benefits issued. The Department supplied only part of the FAP budget. A second request for the FAP budget was made and the Department failed to supply.

ISSUE

Did the Department properly figure Claimant's Family Independence Program (FIP) and Food Assistance Program (FAP) benefits?

FINDINGS OF FACT

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

1. On December 1, 2009, the Claimant applied for FIP and FAP benefits.
2. On December 8, 2009, new information regarding the Claimant's group size was received.
3. During the months of December 2009 through March 2010, the Claimant received \$674 in SSI benefits and paid \$450 in rent.

4. On March 15, 2010, the Claimant requested a hearing regarding her FIP and FAP benefits.

### 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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) 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 (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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

In the present case, the Claimant requested a hearing regarding the Department's failure to correct her FIP and FAP benefits after the birth of her daughter. This Administrative Law Judge (ALJ) is restricted to reviewing only the three months prior to the hearing request submitted by the Claimant on March 15, 2010. Therefore, this ALJ will review the FIP and FAP benefits issued beginning December 2009 through March 2010.

The Department provided copies of the distribution of FIP benefits for the Claimant. The record shows the Department initially failed to pay the Claimant FIP benefits. The Department indicated they had reason to believe the father of the children may have been in the home; therefore, they withheld benefits. The Department later reversed itself and issued FIP benefits retroactively. The record shows on June 2, 2010, the Department issued the following: December 2009, \$158 benefits; January 2010, \$158; February 2010, \$158; and March 2010, \$158. The budget submitted demonstrates the Department properly determined the amount of FIP benefits in the Claimant's group. The Department also fully issued those benefits for the timeframe in question.

In regards to the Claimant's FAP benefits, the Department, again, provided records demonstrating retroactive payments were made for the Claimant's case. However, the Department record fails to fully account for all the months in question, specifically, December 2009 through March 2010. The record was left open to allow the Department to provide a copy of the budget for the FAP program. While the Department provided part of the budget, the complete budget detail was not received even after a second

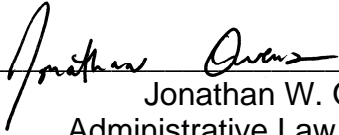
request was made. After reviewing the record this ALJ did receive, there remains a question as to whether the benefits were truly determined accurately and whether the timeframe in question was appropriately supplemented. While the Department did issue a supplement on June 16, 2010 in the amount of \$697, this ALJ is unable to determine for what basis was the benefit amount based upon. In addition, even accepting the FAP benefit amount to be \$367 a month, the Department failed to issue, fully even, the \$367 for each of the months in question.

In conclusion, the Department appears to have correctly issued FIP benefits, although delayed, the amount of benefits have been correctly determined and issued. In regards to the FAP benefits, the Department has failed to demonstrate either the budget was determined correctly or that the benefits for the months of December 2009 through March 2010 were correctly issued.

### DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the following:

1. The Department's decision regarding FIP is UPHeld.
2. The Department's decision regarding the FAP benefits is REVERSED. The Department is ORDERED to complete a new budget for the months of December 2009 through March 2010 and supplement the Claimant for any missing FAP benefits.

  
Jonathan W. Owens  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: 12/02/10

Date Mailed: 12/02/10

**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 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 mailing 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.

JWO/dj

cc:

