

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

IN THE MATTER OF THE CLAIM OF:

[REDACTED]

Reg. No.: 201040561
Issue No.: 1017; 3008; 3014
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: October 11, 2010
Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 October 7, 2010. The Claimant appeared and testified along with her Authorized Hearings Representative, [REDACTED]. FIM appeared on behalf of the Department.

ISSUE

Was the Department correct in denying Claimant's FIP application for excess income and FAP application for failing to return verifications?

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 applied for FIP and FAP benefits July 2009.
- (2) Claimant's FIP application was denied in January 2010 due to excess income based on child support alleged to have been received by the Claimant.
- (3) Claimant's FAP application was denied because she bought and prepared food with her grandmother and her grandmother's income could not be verified.

- (4) Claimant applied for FAP on December 18, 2009 asserting that she was now eating separately from her grandmother and FAP benefits were approved and remain active.
- (5) Claimant requested hearing on March 4, 2010 contesting the denial of her July 2009 FIP and FAP application.

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 Dependant 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 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"), formerly 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 Program Reference Manual ("PRM").

Clients must cooperate with the local office in determining initial and ongoing eligibility to provide verification. BAM 130, p. 1. The questionable information might be from the client or a third party. Id. The Department can use documents, collateral contacts or home calls to verify information. Id. The client should be allowed 10 calendar days to provide the verification. If the client cannot provide the verification despite a reasonable effort, the time limit to provide should be extended at least once. BAM 130, p.4; BEM 702. If the client refuses to provide the information or has not made a reasonable effort within the specified time period, then policy directs that a negative action be issued. BAM 130, p. 4.

Department policy dictates how child support paid to a parent of an adult child no longer living in the parents home should be treated-- **Exception: FIP, RAP, SDA, CDC, FAP** - Enter child support payments received by a custodial party for an adult child or a child no longer living in the home, as the **other unearned income** of the payee as long as the money is not forwarded to the adult/child. If forwarded to the adult/child, enter as the **other unearned income** of the adult/child. BEM 503.

Persons are **temporarily** sharing food if: •They had previously purchased and prepared separately; **and** •Others are sharing their food until the person: ••Is approved for FAP. ••Qualifies for other cash assistance. ••Secures some other source of income. BEM 212.

In the present case with regard to FIP benefits, Claimant credibly testified she does not receive any child support paid by her father to her mother. Claimant submitted a letter from her mother that confirms that no monies are forwarded to the Claimant. The Department provided no proof that Claimant receives child support paid by her father to her mother. Payments towards child support arrearages paid to Claimant's mother should not have been attributed to the Claimant. BEM 503.

In the present case with regard to FAP benefits, Claimant asserted that she was temporarily sharing food with her grandmother while her July 2009 FAP application was pending. Claimant stated in her July 2009 application that she bought and prepared food with her grandmother, this explains why verifications were requested of Claimant's grandmother. Claimant presented insufficient proof that she informed the Department that she was eating and preparing with her grandmother temporarily. Therefore the denial of FAP benefits for failing to provide verifications for Claimant's grandmother is proper and correct. BAM 130.

DECISION AND ORDER

Therefore based on the forgoing findings of fact and conclusions of law it is ORDERED that the Department decision to deny Claimant's FIP application for excess income is REVERSED. Claimant's FIP application shall be reinstated and reprocessed excluding child support paid to Claimant's mother by Claimant's father. Any missed benefits shall be paid to Claimant in the form of a supplement. It is further ORDERED that the Department's decision of deny Claimant's FAP application is AFFIRMED.

/s/



Aaron McClintic
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: October 15, 2010

Date Mailed: October 15, 2010

201040561/AM

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.

AM/hw

cc:

