

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201129824
Issue No.: 1000; 3000
Case No.: [REDACTED]
Hearing Date: May 16, 2011
DHS County: WAYNE

ADMINISTRATIVE LAW JUDGE: [REDACTED]

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 May 16, 2011. Claimant appeared and testified. [REDACTED] also testified on behalf of Claimant. The Department of Human Services (Department) was represented by [REDACTED] n, FIM.

ISSUE

Was the Department correct in its decision regarding eligibility of Claimant's group members for Claimant's Family Independence Program (FIP) and Food Assistance Program (FAP) cases?

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 was an ongoing FIP and FAP recipient in a household of six persons.
2. Claimant requested a hearing on April 11, 2011, disputing the size of Claimant's group that the Department used in determining Claimant's benefits.

3. At the hearing, the Department agreed to re-determine Claimant's FIP and FAP benefits effective March 13, 2010, and ongoing, based on Claimant's correct group size.

CONCLUSIONS OF LAW

FAP 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 administers the FAP program pursuant to CML 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, which includes the Reference Tables (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 administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM), which includes the Reference Tables (RFT.)

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 Department provides an Administrative Hearing to review the decision and determine if it is appropriate. Department policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the Department receives a hearing request and continues through the day of the hearing.

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code Rule ("MAC R") 400.901 - .951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because a claim for assistance is denied or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by an agency action resulting in suspension, reduction, discontinuance, or termination of assistance. MAC R 400.903 A request for hearing shall be in writing and signed by the claimant, petitioner, or authorized representative. MAC R 400.904(1) A claimant shall be provided 90 days from the negative action notice. MAC R 400.902 - .904; BAM 600 p.4.

In the present case, Claimant requested a hearing on April 11, 2011, protesting that some of her children were not added to her FIP and FAP cases since 2009. The Department at the hearing agreed to re-determine Claimant's FIP and FAP benefits

effective March 13, 2010, and ongoing, based on Claimant's correct group size. Claimant agreed to the Department's proposal, but asked that the Department re-determine Claimant's benefits from 2009 and onward. This ALJ does not have the authority to order the Department to make a redetermination back-dated to 2009, as jurisdiction is limited to 90 days prior to the hearing request. Claimant claims she requested a hearing in 2009, but there is no record of the request and Claimant did not again request a hearing until April 11, 2011.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department and Claimant have come to a settlement regarding Claimant's request for a hearing. Therefore, it is ORDERED that the Department re-determine Claimant's FIP and FAP benefits effective March 13, 2010, and ongoing, based on Claimant's correct group size. It is further ORDERED that any missed or increased payments will be issued in the form of a supplement.



Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

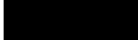
Date Signed: May 25, 2011

Date Mailed: May 25, 2011

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.

SCB/hw

cc: 
Wayne County DHS (57)/ 1843

2011-3753/SCB



Administrative Hearings