

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

IN THE MATTER OF:



Reg. No.: 20114401  
Issue No.: 1010; 3000  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date: December 2, 2010  
Wayne 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 December 2, 2010. The Claimant appeared along with her aunt, [REDACTED], and both testified. [REDACTED], JET Worker appeared on behalf of the Department.

ISSUE

Was the Department correct in determining Claimant's FIP and FAP benefits?

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 recipient of FAP benefits and applied for FIP benefits on September 10, 2010.
- (2) Claimant's FIP application was denied, and her FAP benefits were reduced in error because of alleged noncompliance with the Office of Child Support.
- (3) Claimant's FIP application was reinstated and benefits were activated as of October 1, 2010.
- (4) Claimant requested a hearing on October 19, 2010 contesting the closure of FIP benefits and reduction of FAP benefits.

CONCLUSIONS OF LAW

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").

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).

**Initial Benefits FIP and SDA Only (Not AMP)** Provided the group meets all eligibility requirements, begin assistance in the pay period in which the application becomes 30 days old. (BAM 115).

In the present case, Claimant's FAP benefits were reduced and her FIP application was denied in error due to issues related to noncooperation with the Office of Child Support. The Department reinstated FAP benefits and the Claimant testified that she was satisfied with the Department's actions with regard to FAP. Claimant's FIP application was reinstated as of the date of application, September 10, 2010, and benefits were activated as of October 1, 2010 pursuant to Department policy. (BAM 115). The Department properly determined Claimant's FIP and FAP benefits according to Department policy and procedures. Claimant argued at hearing that she was told that FIP benefits would be activated as of September 10, 2010, the date of application. This would have been contrary to Department policy.

#### DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department correctly determined Claimant's FAP and FIP

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benefits and is hereby AFFIRMED.



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

Date Signed: December 10, 2010

Date Mailed: December 10, 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 of the rehearing decision.

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