

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

IN THE MATTER OF:

[REDACTED]

[REDACTED]

ADMINISTRATIVE LAW JUDGE: [REDACTED]

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on [REDACTED]. After due notice, a telephone hearing was held on [REDACTED].

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's Food Assistance Program (FAP), Family Independence Program (FIP), State Disability Assistance (SDA), and Medical Assistance (MA) eligibility?

FINDINGS OF FACT

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

1. The Claimant applied for Food Assistance Program (FAP), Family Independence Program (FIP), State Disability Assistance (SDA), and Medical Assistance (MA) on [REDACTED].
2. The Claimant does not have any children living in his household.
3. On [REDACTED] the Department sent the Claimant a Verification Checklist with a due date of [REDACTED]. The Department requested that the Claimant provide verification that he is disabled.
4. On [REDACTED] the Department denied the Claimant's application for benefits for failure to provide information necessary to determine his eligibility to receive benefits.

5. The Department received the Claimant's request for a hearing on [REDACTED], protesting the denial of his application for benefits.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (formerly known as the Food Stamp 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), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

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), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

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), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

The Claimant applied for Food Assistance Program (FAP), Family Independence Program (FIP), State Disability Assistance (SDA), and Medical Assistance (MA) on [REDACTED]. The Claimant indicated on his application for assistance that there are no children living in his household. On [REDACTED], the Department sent the Claimant a Verification Checklist with a due date of [REDACTED] 10. The Department requested that the Claimant provide verification that he is disabled. When the Department did not receive verification of the Claimant's disability, it denied the Claimant's application for assistance on [REDACTED].

An eligibility factor of the Family Independence Program (FIP) is that a dependent child is living in the household. A dependent child is an unemancipated child who lives with a caretaker and is under age 18 or age 18 or 19 and a full-time high school student expected to graduate before age 20. BEM 210.

The Claimant testified that he has applied for Supplemental Security Income (SSI) benefits, but that his application is currently pending.

The Department stipulated that disability is not an eligibility factor of the Food Assistance Program (FAP), and that the Claimant is potentially eligibility for this program.

Based on the evidence and testimony available during the hearing, the Department has established that it properly determined the Claimant's eligibility for Family Independence Program (FIP) because the Claimant is not a caretaker of a dependent child. The Department has established that it properly determined the Claimant's eligibility for State Disability Assistance (SDA) and Medical Assistance (MA) for failure to provide information necessary to determine his eligibility to receive benefits.

The Department has not established that it properly determined the Claimant's eligibility for the Food Assistance Program (FAP).

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's Family Independence Program (FIP), State Disability Assistance (SDA), and Medical Assistance (MA) eligibility.

The Department's Family Independence Program (FIP), State Disability Assistance (SDA), and Medical Assistance (MA) eligibility determination is AFFIRMED. It is SO ORDERED.

The Department stipulated that the Claimant is potentially eligible for the Food Assistance Program (FAP). The Department's Food Assistance Program (FAP) eligibility determination is REVERSED. It is further ORDERED that the Department shall:

1. Initiate a determination of the Claimant's eligibility for Food Assistance Program (FAP) as of his application date of [REDACTED].
2. Provide the Claimant with written notification of the Department's revised eligibility determination.

3. Issue the Claimant any retroactive benefits she may be eligible to receive, if any.

_____/s/_____
[Redacted Signature]

Date Signed: _____

Date Mailed: _____

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.

[Redacted]