

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

IN THE MATTER OF:

[REDACTED]

Reg
Issue
6019
Case

No: 2011 22515
No: 1017,3019,

No: 1 [REDACTED]
Hearing Date:
April 25, 2011
County DHS (02)

Oakland

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 hearing submitted on July 28, 2010. After due notice, a telephone hearing was conducted in Oakland County, Michigan on April 25, 2011. The Claimant was present and testified. [REDACTED] Case Manager, and [REDACTED] Family Independence Manager appeared on behalf of the Department.

ISSUE

Whether the Department properly closed the Claimant's Family Independence Program ("FIP") due to excess income.

Whether the Department properly denied the Claimant's Food Assistance (FAP) application as she and her two children were already active in another group.

Whether the Department properly denied the Claimant's CDC application for refusal to cooperate and respond to the request for verification by the due date.

FINDINGS OF FACT

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

1. The Claimant applied, on May 13, 2010, for FIP Cash Assistance, Food Assistance (FAP), Medical Assistance, and Child Development and Care (CDC) benefits.
2. The Department denied the Claimant's FAP application on May 13, 2010, because the Claimant and her children were already included in an open case at the time of her application. The Claimant was included in the Claimant's husband, [REDACTED] case. Exhibits 1 and 4.
3. The Department granted the Claimant FIP Cash Assistance in June 2010 and reduced the Claimant's Cash assistance, July 1, 2010, to \$10 per month because the Claimant began working. Exhibits 2 and 4.
4. The pay stubs submitted by the Claimant indicate that she began working in mid July 2010 but did not receive any income until August 2010. Exhibit 3.
5. The Claimant reported to the Department, on June 30, 2010, that she was to begin working in mid July 2010.
6. The Claimant began working two jobs in July, but the Department could not verify at the hearing when the Claimant began to receive income from her employment. Exhibit 3.
7. The Department agreed to recalculate the Claimant's FIP benefits for the month of July 2010 to determine whether the Claimant's FIP should have been reduced in July or August 2010.

8. The Claimant's CDC application was denied as the verification information that was received from the Claimant's with regard to her children was not complete and the provider information was incomplete causing the Claimant's CDC application to be denied. Based on this explanation, the Claimant agreed that she no longer wished to proceed with a hearing regarding this issue. Exhibit 2, 4, and 5.
9. The Claimant requested a hearing on July 28, 2010, protesting the denial of her food assistance and CDC denial and the reduction of her FIP cash assistance 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 (formerly known as the Family Independence Agency) 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).

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 agency provides an Administrative Hearing to review the decision and determine if it is appropriate. Agency policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's

concerns start when the agency receives a hearing request and continues through the day of the hearing.

In this case, the Department agreed to review whether it properly reduced the Claimant's FIP benefits in July 2010 instead of August 2010. The Department agreed to determine, based on the time the Claimant reported the beginning of her employment and actually received employment earnings, whether it may have improperly (prematurely) reduced the Claimant's benefits in July 2010. The Department agreed that it would review when the Claimant began receiving income from her two jobs, which she began in July 2010 and make a determination as to whether the reduction of the Claimant's FIP benefits should have begun in August 2010 instead of July 2010 and if so to issue a supplement to the Claimant for FIP benefits she was otherwise entitled to receive.

The Claimant indicated that this was acceptable and that she no longer wished to proceed with the hearing. Since the Claimant and the Department have come to an agreement, it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case.

CHILD DEVELOPMENT AND CARE

The Child Development and Care program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department of Human Services (formerly known as the Family Independence Agency) provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are contained in the Bridges Administrative

Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Program Reference Manual (PRM).

At the hearing, the Department explained that the Claimant's application for CDC was denied due to the provider information not being verified in a timely manner and verification information regarding the Claimant's children was not timely provided. Exhibits 4 and 5. Based upon the explanation received and the documentary evidence provided by the Department, the Claimant indicated that she was satisfied with the explanation and no longer wished to proceed with the hearing regarding the CDC application denial.

FOOD ASSISTANCE

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 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 Bridges Reference Manual (BRM).

In this instance the Department denied the Claimant's FAP application because the Claimant and her two children were already open in another FAP group as members with her husband. Exhibit 1. The Department policy provides:

A person **cannot** be a member of more than one FAP Certified Group (CG) in any month. BEM 222, page 2.

Based upon the foregoing policy, the Department correctly denied the Claimant's FAP application, as she was already receiving benefits as a result of her membership in her husband's group, and its determination is affirmed.

DECISION AND ORDER

The Administrative Law Judge, based upon the findings of fact and conclusions of law, finds that the Department and Claimant have come to a settlement regarding claimant's request for a hearing regarding the reduction of her FIP benefits and the Department has agreed to review the issue to determine whether it correctly reduced the FIP benefits in July 2010 instead of August 2010 based on income received and therefore it is unnecessary to render a decision.

The Administrative Law Judge based upon the findings of fact and conclusions of law finds that the Department correctly denied the Claimant's May 13, 2010 Food Assistance Application and its determination is AFFIRMED.


The Claimant's request for hearing regarding the Department's denial of her CDC application is DISMISSED, as the Claimant agreed after the explanation given by the Department and review of the documentary evidence that the verifications regarding the CDC provider and her children were not received by the Department by the verification checklist due date.

Accordingly, it is ORDERED

1. The Department shall determine whether it correctly reduced the Claimant's FIP benefits in July 2010, or whether the FIP benefits should have been reduced beginning August 2010 based upon income verification regarding when the Claimant received income from her employment in July 2010.
2. The Department shall supplement the Claimant for any FIP benefits she was otherwise entitled to receive in July 2010, if any, based upon the Department's determination in paragraph 1 of this order.

3. The Claimant's request for hearing, regarding the denial of her CDC application, is hereby dismissed as the Claimant, at the hearing, indicated that she understood the reason for the denial and was satisfied with the Department's determination and no longer wished to proceed with the hearing.

Administrative
for
Department


Lynn M. Ferris
Law Judge
Maura Corrigan, Director
of Human Services

Date Signed: 05/18/11

Date Mailed: 05/20/11

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.

LMF/dj

cc:

