

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2011-30485  
Issue No.: 1018; 3002; 6019  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date: May 19, 2011  
DHS County: Wayne County DHS (17)

**ADMINISTRATIVE LAW JUDGE:** Susan C. Burke

**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 19, 2011. Claimant appeared and testified. The Department of Human Services (Department) was represented by [REDACTED] FI JET Worker.

**ISSUE**

Was the Department correct in its calculation of Claimant's Food Assistance Program (FAP) benefits?

Was the Department correct in denying Claimant's application for Family Independence Program (FIP) benefits?

Was the Department correct in closing Claimant's Child Development and Care (CDC) case?

**FINDINGS OF FACT**

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

**FAP**

1. Claimant was an ongoing FAP recipient.
2. The Department determined that Claimant was entitled to \$606.00 in FAP benefits.

3. Claimant's current rent, child care expense and income were not used to calculate the FAP grant.
4. Claimant requested a hearing, protesting the amount of FAP benefits.

**FIP**

5. Claimant applied for FIP.
6. Claimant received an average of \$1,271.00 per month of earned income.
7. Claimant's FIP application was denied on April 4, 2011, due to excess income.
8. Claimant requested a hearing, protesting the denial of his FIP application.

**CDC**

9. Claimant was an ongoing recipient of CDC.
10. Claimant's spouse was available and did stay with Claimant's children.
11. The Department closed Claimant's CDC case on April 10, 2011.
12. Claimant requested a hearing, protesting the closure.

**CONCLUSIONS OF LAW**

**Food Assistance Program (FAP)**

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).

In Bridges, a group's benefit amount is determined by factoring in, among other items, housing costs, dependent care expenses and income. BEM 554.

In the present case, the Claimant and the Department were consistent in their testimony that current housing costs, dependent care and income were not taken into account in

determining Claimant's FAP benefits. Therefore, the Department was incorrect in its calculation of Claimant's FAP benefits.

**Family Independence Program (FIP)**

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.)

BEM 515 dictates: The certified group must be in financial need to receive benefits. Need is determined to exist when budgetable income is less than the payment standard established by the Department. BEM 515, p. 1. The FIP Monthly Assistance Payment Standard for a group size of four is \$597.00. RFT 210.

BEM 518 instructs that certain deductions are allowed from a person's countable earnings: "Deduct \$200.00 from each person's countable earnings. Then deduct an addition 20% of each person's remaining earnings."

In the present case, since Claimant's budgetable monthly income of \$857.00 (after allowed deductions) exceeded the standard amount of \$597.00 for a group size of four, the Department was correct in denying Claimant's FIP application.

**Child Development and Care (CDC)**

The CDC 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 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 Program Reference Manual (PRM).

BEM 703, p. 2 Dictates that in order to be eligible for CDC, each parent must be unavailable due to a valid reason, such as family preservation, high school completion, an approved activity or employment.

In the present case, Claimant testified that his wife was available for the children and was staying with them, although she was seeking employment. Based on the above discussion, I find that the Department was correct in closing Claimant's CDC case.

**DECISION AND ORDER**

Based upon the above findings of fact and conclusions of law, it is concluded that the Department was correct in its decisions to deny Claimant's FIP application and close Claimant's CDC case, but incorrect in its calculation of Claimant's FAP benefits. It is therefore ORDERED that the Department's decisions with regard to FIP and CDC are hereby AFFIRMED and the Department's decision with regard to Claimant's FAP benefits is REVERSED. It is further ORDERED that the Department shall re-determine Claimant's FAP benefits, effective April 1, 2011 and ongoing, based on required information at the time, and issue any missed or increased payments in the form of a supplement.

/s/ \_\_\_\_\_  
Susan C. Burke  
Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

Date Signed: May 27, 2011

Date Mailed: May 27, 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 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.

SCB/ctl

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