

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

IN THE MATTER OF:

[REDACTED]
TAYL [REDACTED]

Case

Reg. No.: 2011-32480
Issue No.: 1018, 3015
No.: [REDACTED]
Hearing Date: June 6, 2011
DHS County: Wayne (18)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on June 6, 2011. The claimant appeared and testified.

ISSUE

Did the department properly deny the claimant's Family Independence Program (FIP) and Food Assistance (FAP)?

FINDINGS OF FACT

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

1. On April 7, 2011, the claimant applied for FIP and FAP.
2. On April 22, 2011, the department denied the claimant's FIP and FAP application due to excess income.
3. The claimant was living half of the time with his mother and her income is \$2,504.00 per month.
4. On May 9, 2011, the claimant requested a hearing.

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).

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 MCL 400.10, et seq., and MAC R 400.3001-3015. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The claimant's FIP and FAP application was denied because the claimant's mother receives \$2,504.00 per month in income.

FIP Certified Groups With No Child

A FIP certified group may be composed of only adults under specified circumstances. Groups with no eligible child may consist of the following:

A pregnant woman and if married, her husband.

If the pregnant woman is not a member of the certified group, such as an SSI recipient, there is no FIP eligibility based on the pregnancy.

The caretaker(s) of a dependent child who would be eligible for FIP except for the child's receipt of SSI.

A legal parent(s) and/or stepparent of a dependent child in an out-of-home foster care placement due to abuse and/or neglect when there is a plan to return the child to the parent's home. Eligibility based on this policy is allowed for up to 12 months from the date the child(ren) were removed. (BEM 210. p.10)

In regards to FAP:

LIVING WITH

Living with means sharing a home where family members usually sleep and share **any** common living quarters such as a kitchen, bathroom, bedroom or living room. Persons who share **only** an access area (e.g., entrance or hallway) or non-living area (e.g., laundry) are **not** considered living together. (BEM 212, p.2)


In the instant case, the group is not certifiable for FIP having no minor children in the group and the claimant's mother's income makes the group ineligible for FAP. The Department was correct in denying claimant's FIP for not having an eligible group and FAP, due to excess income.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, AFFIRMS the Department's actions in the instant case.

Michael
Administrative
for
Department

Date Signed: July 29, 2011
Date Mailed: July 29, 2011



J. Bennane
Law Judge
Maura Corrigan, Director
of Human Services

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.

MJB/cl

cc:

