

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-43515
Issue No.: 1000; 2000; 3000
Case No.: [REDACTED]
Hearing Date: August 15, 2011
County DHS

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 August 15, 2011 in Detroit, Michigan. Claimant appeared and testified. Claimant's mother, Angelique Smith, also testified on behalf of Claimant. The Department of Human Services (Department) was represented by [REDACTED] JET Coordinator, [REDACTED] Triage Coordinator, and [REDACTED] JET Case Manager.

ISSUE

Was the Department was correct in its decision to close Claimant's Family Independence Program and decrease Claimant's Food Assistance Program (FAP) benefits due to failure to participate in work-related activities?

FINDINGS OF FACT

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

1. Claimant was an ongoing FIP, FAP and MA recipient.
2. The Department closed Claimant's FIP case and decreased Claimant's FAP benefits, effective August 1, 2011, due to failure to participate in work-related activities.
3. Claimant requested a hearing regarding FIP, FAP and MA.

4. At the hearing, the Department agreed to reinstate Claimant's FIP benefits and restore Claimant's FAP benefits, effective August 1, 2011. No negative action had been taken by the Department on Claimant's Medical Assistance case.
5. As a result of the agreement, Claimant stated that she no longer requested a hearing.

CONCLUSIONS OF LAW

FAP was 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).

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 BAM, BEM, and 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 department provides an Administrative Hearing to review the decision and determine if it is appropriate. Department policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the department receives a hearing request and continues through the day of the hearing.

In the present case, the Department has agreed to reinstate Claimant's FIP case and restore Claimant's FAP benefits, effective August 1, 2011. In addition, no negative action had been taken by the Department on Claimant's Medical Assistance Case. As a result of the agreement, Claimant stated she no longer requested a hearing.

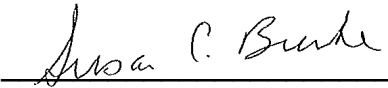
DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law decides that the Department and Claimant have come to an agreement. Therefore, it is ORDERED that the Department shall:

1. Reinstate Claimant's FIP case, effective August 1, 2011, if Claimant is otherwise eligible.

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2. Restore Claimant's FAP benefits, effective August 1, 2011, if Claimant is otherwise eligible.
3. Issue any missed or increased FIP or FAP payments.



Susan C. Burke
Administrative Law Judge
For Maura Corrigan Director
Department of Human Services

Date Signed: 8/19/11

Date Mailed: 8/19/11

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.

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