

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201144503
Issue No.: 3023
Case No.: [REDACTED]
Hearing Date: August 18, 2011
Wayne County DHS (43)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 a hearing. After due notice, a telephone hearing was held on August 18, 2011 from Detroit, Michigan. The claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

ISSUE

Whether Claimant is entitled to reimbursement of \$44 in allegedly stolen Family Independence Program (FIP) benefits and an unspecified amount of allegedly stolen Food Assistance Program (FAP) benefits.

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 and FAP benefit recipient.
2. In 7/2011, DHS issued a \$79 FIP benefit payment to Claimant.
3. Claimant stated that only \$35 in FIP benefits were available to her because \$44 of the benefits were stolen.
4. Claimant also stated that some unspecified amount of FAP benefits were stolen.
5. DHS advised Claimant that she was not entitled to reimbursement of FIP or FAP benefits that are stolen.

6. On 7/18/11, Claimant requested a hearing to dispute the failure by DHS to restore the allegedly stolen FIP and FAP 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.* DHS administers the FIP pursuant to MCL 400.10, *et seq* and MAC R 400.3101-3131. DHS policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

The Food Assistance Program (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). DHS administers the FAP pursuant to Michigan Compiled Laws 400.10, *et seq.*, and Michigan Administrative Code R 400.3001-3015. DHS regulations are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT). Updates to DHS regulations are found in the Bridges Policy Bulletin (BPB).

The undersigned will refer to the DHS regulations in effect as of 7/2011, the month of the DHS decision which Claimant is disputing. Current DHS manuals may be found online at the following URL: <http://www.mfia.state.mi.us/olmweb/ex/html/>.

Claimant alleged that \$44 in FIP benefits were stolen from her Electronic Benefit Transfer (EBT) card. Claimant's hearing request also alleged some unspecified amount of stolen FAP benefits.

EBT accounts allows clients receiving FIP, SDA and FAP benefits to receive their benefits using debit card technology. BAM 401E at 1. Benefits are deposited electronically into either a cash (FIP/SDA) and/or food (FAP) account. *Id.* Clients access their benefits by using their personal identification number (PIN) along with their Bridge card. *Id.* A PIN is typically a sufficient measure to prevent unauthorized usage of electronic benefits.

If the Bridge card is lost, stolen or damaged, the client, payee and/or the authorized representative must immediately notify the EBT vendor. *Id.* at 4. Any benefit loss that occurs prior to this notification is the client's responsibility and will NOT be replaced. *Id.*


DHS made the decision that clients are responsible for the security of their own benefits. The undersigned has no authority to order a replacement of electronic benefits when DHS regulations do not support such a replacement. Accordingly, Claimant is not

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entitled to a remedy of FIP or FAP benefit replacement based on an allegation that the benefits were stolen.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly failed to reimburse Claimant for allegedly stolen FIP and FAP benefits. The actions taken by DHS are AFFIRMED.


Christian Gardocki
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: August 19, 2011

Date Mailed: August 19, 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 of the rehearing decision.

CG/hw

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