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

#### IN THE MATTER OF:



Reg. No.: 2012-37625 Issue No.: 3014; 1022 Case No.:

Hearing Date: April 3, 2012 County: Wayne-57

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

## **HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claim ant's request for a hearing. After due notice, a telephone hearing was held on April 3, 2012, from Lansing, Michigan. Claima nt personally appeared and testified. Participants on behalf of Department of Human Services (Department) included

## <u>ISSUE</u>

Did the Department properly remove Cla Independence Program (FIP), Family A Assistance (MA) cases? imant's son from Claimant's Family ssistance Program (FAP) and Medic

al

# FINDINGS OF FACT

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

- On February 24, 2012, the departm ent received a fraud referral that Claimant's son had been li ving with his fat her in Chattanooga, Tennessee since October 6, 2010, and that Claimant had failed to report that her son was no longer living with her to the department.
- February 24, 2012, the Department sent Claimant notice of the removal of her son from her FIP, FAP and MA case resulting in closure of the FAP and MA as of March 31, 2012. The FIP ca se had closed as of December 31, 2011, as a result of the 48/60 time limit.
- 3. On March 2, 2012, Claimant fil ed a hearing request contesting the department's closure of FAP and MA benefits.

## **CONCLUSIONS OF LAW**

Department policies are contained in the Bri dges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and W ork Opportunity Reconc iliation Act of 1996, Public Law 104-193, 42 USC 601, et seq. The Department (formerly k nown as the Family Independence Agency) administers FIP pursuant to MCL 400.10, et seq., and Mich Admin Code, R 400.3101 t hrough R 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) program] is established by the Food Stamp Act of 1977, as amend ed, and is implemented by the federal regulations contained in Title 7 of the Code of Feder al Regulations (CFR). The Department (formerly known as the Fam ily Independence Agency) administers FAP pursuant to MCL 400.10, *et seq*., and Mich Admin Code, R 400.3001 through R 400.3015.

The Medic al Assistance (MA) program is est ablished by the Title XIX of the Socia I Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independ ence Agency) administers the MA program pursuant to MCL 400.10, et seq., and MCL 400.105.

Claimant testified that she realized she was wrong by not reporting her son had moved to Tenness ee in October 2010 t o the departm ent. Claimant stat ed that alt hough her son was living in Tennessee, she was stil I supporting him and that she withhe Id the information from the department for the well-being of her son.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record , finds the Department did act properly when it removed Claimant's son from Claimant's FIP, FAP and MA and closed the cases.

Accordingly, the Department's FIP, FAP, and MA decision is AFFIRMED for the reasons stated on the record.

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Vicki L. Armstrong
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 4/9/12 Date Mailed: 4/9/12 **NOTICE**: Michigan Administrative Hearing S ystem (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a par ty within 30 days of the mailing date of this Dec ision and Order. MAHS will not or der a rehearing or reconsideration on the Department's mo tion where the final decis ion 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 ti mely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

#### VLA/ds

CC:

