

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201249394
Issue No: 1022, 3022, 6019, 5016
Case No: [REDACTED]
Hearing Date: May 30, 2012
Kent County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on Wednesday, May 30, 2012, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED] and [REDACTED].

ISSUES

Did the Department properly determine the group composition of the Claimant's Family Independence Program (FIP) benefit group?

Did the Department properly apply a foster care stipend towards unearned income when determining the Claimant's monthly Food Assistance Program (FAP) allotment?

Did the Department properly determine the Claimant's eligibility for the Child Development and Care (CDC) program?

Did the Department properly determine the Claimant's eligibility for the State Emergency Relief (SER) program?

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 January 4, 2012, the Department received the Claimant's application for the Family Independence Program (FIP) program.
2. The January 4, 2012, application included the Claimant and her daughter.

3. On February 22, 2012, the Department received the Claimant's application for the Family Independence Program (FIP), Food Assistance Program (FAP), and Child Development and Care (CDC) programs.
4. The February 22, 2012, application for assistance included two foster children living in the Claimant's household, as well as the Claimant and her daughter.
5. On February 22, 2012, the Department approved the Claimant for Family Independence Program (FIP) benefits as a group of one.
6. On March 20, 2012, the Department received the Claimant's application for State Emergency Relief (SER) benefits and request for assistance with an electric bill.
7. On March 12, 2012, the Department received the Claimant's request to withdraw her application for the Child Development and Care (CDC) program.
8. On March 29, 2012, the Department notified the Claimant that she was eligible for State Emergency Relief (SER) benefits contingent on a client co-payment of [REDACTED].
9. On April 5, 2012, the Department received verification that the Claimant had made her required co-payment on her [REDACTED].
10. On April 23, 2012, the Department closed the Claimant's Child Development and Care (CDC) case.
11. On April 23, 2012, the Department determined that the Claimant's was eligible for the Food Assistance Program (FAP) with a monthly allotment of [REDACTED], and included monthly foster care stipends received on behalf of [REDACTED] living in the Claimant's home..
12. On May 2, 2012, the Department certified the Claimant's State Emergency Relief (SER) eligibility and issued benefits in the amount of [REDACTED].

CONCLUSIONS OF LAW

Department policies are contained in the Bridges 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 Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3101 through 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 amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3001 through R 400.3015.

The Medical Assistance (MA) program is established by the Title XIX of the Social 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 Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

The Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq.*

The State Emergency Relief (SER) program is established by 2004 PA 344. The SER program is administered pursuant to MCL 400.10, *et seq.*, and by final administrative rules filed with the Secretary of State on October 28, 1993. MAC R 400.7001-400.7049. Family Independence Agency (FIA or agency) policies are found in the State Emergency Relief Manual (ERM).

The Child Development and Care (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 Mich Admin Code, R 400.5001 through R 400.5015.

This Administrative Law Judge finds that the Department properly determined the Claimant's Family Independence Program (FIP) group size of one, based on the Claimant being an ineligible grantee, and the two foster children living in her home being not eligible for benefits due to the household's receipt of foster care stipends.

This Administrative Law Judge finds that the Department properly determined the Claimant's unearned income as applied to her eligibility for the Food Assistance Program (FAP) because foster care stipends are countable unearned income.

This Administrative Law Judge finds that the Claimant withdrew her application for the Child Development and Care (CDC) program and that there has been no negative action with respect to this program.

This Administrative Law Judge finds that there has been no negative action with respect to her State Emergency Relief (SER) application because the Claimant was approved for benefits to the extend authorized by policy. The Claimant did not dispute the

determination of her client co-pay, but was uncertain whether she had been approved after being contacted by the utility company concerning her electric bill.

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 that the Department did act properly when it determined the Claimant's unearned income for the Food Assistance Program (FAP) program, group size for the Family Independence Program (FIP) program. did not act properly when .

Accordingly, the Department's AMP FIP FAP MA SDA CDC decisions are **AFFIRMED** REVERSED for the reasons stated on the record.

The Claimant's hearing request concerning the SER CDC programs are DISMISSED, because this Administrative Law Judge lacks the jurisdiction to hear or decide the Claimant's grievance on behalf of the Department.

/s/
Kevin Scully
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 31, 2012

Date Mailed: May 31, 2012

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (60 days for FAP cases)

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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

KS/tb

cc:

