

**STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:

[REDACTED]

Reg. No: 201258468
Issue No: 3003
Case No: [REDACTED]
Hearing Date: July 18, 2012
Kalamazoo County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 hearing was held on July 18, 2012. Claimant and her [REDACTED] both appeared and testified.

ISSUE

Did the Department of Human Services properly determine Claimant's benefit group Food Assistance Program (FAP) eligibility on May 30, 2012?

FINDINGS OF FACT

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

1. Claimant was an ongoing recipient of Food Assistance Program (FAP) benefits.
2. On January 23, 2012, Claimant was sent a Notice of Case Action (DHS-1605) which stated her Family Independence Program (FIP) would close March 1, 2012 due to a second noncompliance with required work related activities. The notice did not indicate any change in Claimant's Food Assistance Program (FAP) benefits.
3. On March 1, 2012, Claimant's Family Independence Program (FIP) case closed for a six month employment sanction. In accordance with Department policy, Claimant's previous FIP grant amount stayed in her FAP financial eligibility budget. The amount of the FAP stayed the same as when she was receiving FIP.

4. On May 30, 2012, Claimant was sent a Notice of Case Action (DHS-1605) which stated her Food Assistance Program (FAP) benefits would decrease to [REDACTED].
5. On June 8, 2012, Claimant submitted a timely request for hearing.

CONCLUSIONS OF LAW

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 (DHS or department) administers the FAP program pursuant to MCL 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 (PRM).

In this case Claimant is contesting that her Family Independence Program (FIP) grant amount is still included in her Food Assistance Program (FAP) financial eligibility budget. It is undisputed that Department policy directs this situation as part of the FIP sanction. Claimant asserts that she never got notice that the FIP sanction would have this impact on her FAP benefits otherwise they would have requested a hearing on the sanction.

Review of the Notice of Non-Compliance (DHS-2444) form and the January 23, 2012 Notice of Case Action (DHS-1605) sent to Claimant do not reveal any notice of the impact of a Family Independence Program (FIP) sanction and a Food Assistance Program (FAP) case. However, page 11 of the Information Booklet which is provided to all applicants, at the time of application, specifically describes the impact of a FIP sanction on FAP. In order to receive benefits an applicant must sign the application on page 7 of DHS-1171 application form. In bold print above the signature line is written "I certify that I have received and reviewed a copy of the Acknowledgments, that explain additional information about applying for and receiving assistance benefits. Claimant did get notice of the impact of a FIP sanction on FAP.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly determined Claimant's benefit group Food Assistance Program (FAP) eligibility on May 30, 2012.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHeld.

/s/
Gary F. Heisler
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: July 23, 2012

Date Mailed: July 24, 2012

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.

GFH/tb

cc:

