

**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.: [REDACTED]  
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 Claimant's request for a hearing. After due notice, a telephone hearing was held on April 3, 2012, from Lansing, Michigan. Claimant personally appeared and testified. Participants on behalf of Department of Human Services (Department) included [REDACTED]

**ISSUE**

Did the Department properly remove Claimant's son from Claimant's Family Independence Program (FIP), Family Assistance Program (FAP) and Medical Assistance (MA) cases?

**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 February 24, 2012, the department received a fraud referral that Claimant's son had been living with his father 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.
2. 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 case had closed as of December 31, 2011, as a result of the 48/60 time limit.
3. On March 2, 2012, Claimant filed a hearing request contesting the department's closure of FAP and MA benefits.

### **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.

Claimant testified that she realized she was wrong by not reporting her son had moved to Tennessee in October 2010 to the department. Claimant stated that although her son was living in Tennessee, she was still supporting him and that she withheld 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 these cases.

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

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

Date Signed: 4/9/12

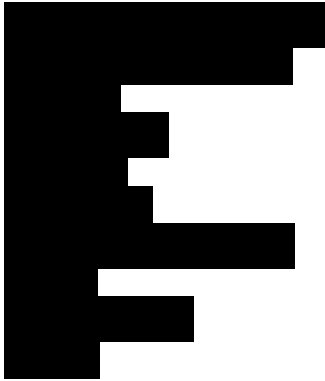
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**NOTICE:** Michigan Administrative Hearing System (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

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.

VLA/ds

cc:

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