

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201237838
Issue No.: 1015, 3000
Case No.: [REDACTED]
Hearing Date: April 4, 2012
County: Wayne DHS (57)

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 following Claimant's request for a hearing. After due notice, a telephone hearing was held on April 4, 2012 from Detroit, Michigan. Participants on behalf of Claimant included the above named claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Manager, and [REDACTED], Specialist.

ISSUE

The issue is whether Claimant is entitled to a supplement of Family Independence Program (FIP) benefits for the first half of 1/2012.

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 Food Assistance Program (FAP) benefit recipient.
2. Claimant's FAP benefit period was scheduled to end 12/31/11.
3. On an unspecified date, DHS terminated Claimant's ongoing FAP benefit eligibility due to an alleged failure by Claimant to submit redetermination documents.
4. On 12/16/11, Claimant applied for FIP benefits.
5. On an unspecified date, DHS denied Claimant's FIP benefit application due to an alleged failure by Claimant to comply with child support reporting requirements.

6. On 1/30/12, Claimant requested a hearing to dispute the FAP benefit termination and FIP application denial.
7. DHS and Claimant agreed that Claimant's FAP benefit eligibility was improperly terminated and that Claimant is entitled to a FAP benefit supplement for 1/1/2012-3/5/2012.
8. DHS and Claimant agreed that Claimant's FIP application was improperly denied and that Claimant is entitled to a FIP benefit supplement for half of 1/2012 and a full month of FIP benefits for 2/2012 and 3/2012.
9. The issue of whether Claimant is entitled to a FIP benefit supplement for the first half of 1/2012 remains in dispute.

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 law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24.278(2). Claimant requested a hearing to dispute a FAP benefit termination and FIP application denial. Claimant and DHS agreed that both actions were improper. Claimant and DHS were in agreement that Claimant is entitled to a supplement of FAP benefits for 1/2012, 2/2012 and 3/1/2012-3/5/12. DHS and Claimant also agreed that Claimant is entitled to a FIP benefit supplement for 2/2012, 3/2012 and the second half of 1/2012. As the agreement of the parties appears to be in compliance with DHS regulations, these terms shall be accepted as part of a settlement agreement.

There was still one dispute, whether Claimant was entitled to a supplement of FIP benefits for the first half of 1/2012. Claimant thought she should receive a supplement for the first half of 1/2012; DHS contended otherwise.

A FIP benefit pay period is either the first through the 15th day or the 16th through the last day of the month. BAM 400 at 1. Provided the group meets all eligibility requirements, DHS is to begin assistance in the pay period in which the application becomes 30 days old. BAM 115 at 20.

Claimant's FIP benefit application was submitted to DHS on 12/16/11. The 30th day following the FIP benefit application date is 1/15/12. Claimant is entitled to a supplement of FIP benefits for the pay period encompassing 1/15/12; that pay period would include the first half of 1/2012. It is found that Claimant is entitled to a FIP benefit supplement for the first half of 1/2012 as well as other supplements agreed on by Claimant and DHS.

DECISION AND ORDER

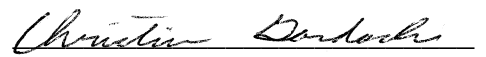
The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department

did act properly when
 did not act properly when terminating Claimant's ongoing FAP benefit eligibility and denying Claimant's FIP benefit application.

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

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. reinstate Claimant's FIP benefit application for 12/16/11;
2. reinstate Claimant's ongoing FAP benefit eligibility effective 1/1/12;
3. evaluate Claimant's ongoing FAP benefit eligibility between 1/1/12-3/5/12 and issue any supplement of FAP benefits owed to Claimant;
4. evaluate Claimant FIP benefit eligibility for 1/2012-3/2012, including the first half of 1/2012, and issue a supplement for any FIP benefits owed to Claimant.


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

Date Signed: April 6, 2012

Date Mailed: April 6, 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 to:

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

CG/hw

cc:

