

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 201246707  
Issue No.: 3023  
Case No.: [REDACTED]  
Hearing Date: May 16, 2012  
County: Wayne (19)

**ADMINISTRATIVE LAW JUDGE:** Alice C. Elkin

**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 May 16, 2012, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED] Family Independence Manager, and [REDACTED] JET worker.

**ISSUE**

Did the Department properly comply with the Hearing Decision signed by the Administrative Law Judge (ALJ) of the Michigan Administrative Hearing System (MAHS) on April 11, 2012, concerning Claimant's Food Assistance Program (FAP) benefits?

**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 April 10, 2012, MAHS held a hearing in response to Claimant's request for a hearing to dispute the Department's failure to process her redetermination for FAP benefits.
2. In the Hearing Decision mailed on April 11, 2012, the ALJ reversed the Department and ordered the Department to "initiate a redetermination as to the Claimant's eligibility for FAP benefits beginning March 1, 2012 and issue retroactive benefits if otherwise eligible and qualified."
3. On April 16, 2012, Claimant filed a request for hearing, alleging that the Department had failed to comply with the ALJ's April 11, 2012, Hearing Decision.

### 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 Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and 2000 AACS, R 400.3151 through R 400.3180.

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.

Additionally, in connection with a prior hearing held on April 10, 2012, to address Claimant's contention that the Department had improperly closed her FAP case, the ALJ reversed the Department. On April 16, 2012, Claimant requested a hearing, contending

that the Department had failed to reinstate her FAP case and issue supplements in compliance with the ALJ's April 11, 2012, order.

Although the April 11, 2012, Hearing Decision issued in connection with the April 10, 2012 hearing was not admitted in to evidence in the current May 16, 2012, hearing, judicial notice of the Decision is taken. In the Decision, the ALJ ordered the Department to "initiate a redetermination as to the Claimant's eligibility for FAP benefits beginning March 1, 2012 and issue retroactive benefits if otherwise eligible and qualified."

At the hearing, the Department testified that, after the April 11, 2012, Hearing Decision was received, it reinstated Claimant's case as of March 1, 2012, and began processing Claimant's redetermination. The Department is required to complete redeterminations in 30 days. BAM 210. In this case, the Department could not verify the date it received the Hearing Decision from MAHS but testified that it completed the redetermination on April 19, 2012, and certified it on May 14, 2012.

While the Department may have improperly delayed the processing of Claimant's redetermination, the Department credibly testified that it did process the redetermination and concluded that Claimant was not eligible for FAP benefits because her net income exceeded the FAP net income limit for a group size of three. Because the April 11, 2011, Hearing Decision required that the Department process the redetermination and issue retroactive benefits to Claimant "if otherwise eligible and qualified," the Department acted in accordance with the Hearing Decision and Department policy (BAM 210; BAM 406; BAM 600) when it failed to issue retroactive benefits upon finding that Claimant was not eligible to receive such benefits.

At the hearing, the Department testified that it sent Claimant a May 14, 2012 Notice of Case Action advising her that she was not eligible for FAP benefits because her net income exceeded the net income limits for FAP eligibility for a group size of three, further explaining that Claimant's daughter had been removed from the FAP group because she was a student and did not meet any of the FAP eligibility criteria for students under BEM 245. Claimant testified that she had not yet received the Notice of Case Action. Claimant was advised that she could request a separate hearing to dispute the Department's action finding her ineligible for FAP benefits. She was also advised that she could reapply for FAP benefits at anytime and the Department would process her application based on her circumstances at the time of application.


### **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 processed Claimant's FAP redetermination in accordance with the ALJ's April 11, 2012 order.

did not act properly when

Accordingly, the Department's decision is  AFFIRMED  REVERSED for the reasons stated on the record and above.

  
**Alice C. Elkin**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: May 22, 2012

Date Mailed: May 22, 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

ACE/cl

cc:

