

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201247730
Issue No.: 1015; 3023
Case No.: [REDACTED]
Hearing Date: May 23, 2012
County: Oakland (02)

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 23, 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 Specialist.

ISSUE

Did the Department properly issue Claimant's April and May 2012 Food Assistance Program (FAP) benefits?

Did the Department properly issue Claimant's Family Independence Program (FIP) benefits for March 1, 2012 to March 16, 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 is an ongoing recipient of FIP and FAP benefits.
2. The Department was unable to process Claimant's FAP benefits for April and May 2012.
3. On April 16, 2012, Claimant filed a hearing request alleging that the Department had failed to issue one of his biweekly FIP allotments in March 2012 and had not issued his FAP benefits for April 2012.

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 ACS, 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.

FAP Benefits

At the hearing, the Department acknowledged that Claimant was entitled to FAP benefits for April and May 2012 and testified that it had recently resolved its problems issuing FAP benefits to Claimant. It testified that it sent Claimant a Notice of Case Action on May 22, 2012, informing him that he was eligible for monthly FAP benefits of

\$668 effective April 1, 2012, ongoing. The Department also testified that a FAP supplement totaling \$1336 had been deposited into Claimant's EBT card on May 22, 2012, the day before the hearing, for his April and May 2012 FAP benefits. During the course of the hearing, Claimant confirmed that a deposit of \$1336 was made into his EBT card for FAP benefits. Based on this information, Claimant testified that the FAP issue was resolved to his satisfaction.

FIP Benefits

Claimant also alleged that the Department had failed to issue FIP benefits to him for the period between March 1, 2012 and March 16, 2012. The Department testified that it had issued ongoing, uninterrupted biweekly FIP benefits to Claimant of \$225. At the hearing, the Department presented documentary evidence that two deposits were made on March 1, 2012 to Claimant's EBT card for FIP benefits of \$225 each, with \$225 made available to Claimant on March 6, 2012, and the remaining \$225 made available on March 16, 2012. The transaction history showed that purchases totaling \$225 were made on March 6, 2012 using the FIP benefits on Claimant's card. During the hearing, Claimant confirmed that transactions were made using his FIP benefits on March 6, 2012, and that he was satisfied that the Department had issued his FIP benefits for the period from March 1, 2012, and March 16, 2012.

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 issued Claimant's FIP and FAP benefits.
 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 25, 2012

Date Mailed: May 25, 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:

