

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

IN THE MATTER OF:



Reg. No.: 2013-23707
Issue No.: 1000; 2000; 3002
Case No.: [REDACTED]
Hearing Date: February 20, 2013
County: Wayne (35)

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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 February 20, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of Department of Human Services (Department) included [REDACTED], FIS Case Manager.

ISSUE

Did the Department properly process Claimant's Family Independence Program (FIP) application?

Did the Department properly process Claimant's Medical Assistance (MA) application?

Did the Department properly calculate Claimant's Food Assistance (FAP) grant?

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 applied for benefits received benefits for:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Family Independence Program (FIP). | <input type="checkbox"/> Adult Medical Assistance (AMP). |
| <input checked="" type="checkbox"/> Food Assistance Program (FAP). | <input type="checkbox"/> State Disability Assistance (SDA). |
| <input checked="" type="checkbox"/> Medical Assistance (MA). | <input type="checkbox"/> Child Development and Care (CDC). |

2. Claimant filed a hearing request, objecting to the Department's actions with regard to FIP, MA, and FAP.
3. At the hearing, the Department agreed to reinstate and reprocess Claimant's FIP application of December 4, 2012. In addition, Claimant stated that she no longer requested a hearing regarding MA.
4. The Department did not present a FAP budget for review.

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 1997 AACRS R 400.3101-3131. 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 1997 AACRS R 400.3001-3015.

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.

In the present case, at the hearing, the Department agreed to reinstate and reprocess Claimant's FIP application of December 4, 2012. As a result of the agreement, Claimant stated that she no longer requested a hearing regarding FIP. In addition, Claimant stated that she no longer requested a hearing regarding MA.

With regard to FAP, the Department did not present a budget substantiating its calculation of Claimant's FAP grant as of January 1, 2013. Therefore, it cannot be concluded that the Department was correct in its calculation of Claimant's FAP grant.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department improperly calculated Claimant's FAP grant.

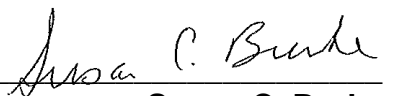
DECISION AND ORDER

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 and Claimant have reached an agreement with regard to FIP, that Claimant no longer wishes to pursue a hearing with regard to MA, and that the Department's decision with regard to FAP is reversed for the reasons stated on the record..

THE DEPARTMENT SHALL INITIATE WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER, THE FOLLOWING:

1. Initiate reinstatement and reprocessing of Claimant's FIP application of December 4, 2012.
2. Initiate recalculation of Claimant's FAP grant, effective January 1, 2013 and ongoing.
3. Issue FIP and FAP supplements for any missed or increased payment.

It is FURTHER ORDERED that Claimant's request for hearing regarding MA is DISMISSED, pursuant to Claimant's request.



Susan C. Burke
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: February 26, 2013

Date Mailed: February 26, 2013

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.

SCB/tm

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