

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013 26417
Issue No.: 3000, 1021
Case No.: [REDACTED]
Hearing Date: March 7, 2013
County: Wayne County DHS (19)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 March 7, 2013 from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. [REDACTED] Path Case Manager, appeared on behalf of the Department of Human Services (Department).

ISSUE

Did the Department properly pay the Claimant's EFIP benefits and did Claimant receive all EFIP she was entitled to receive?

Did the Claimant receive the supplement of \$175 established by the Notice of Case Action dated January 15, 2013?

Did the Department properly close the Claimant's FAP case due to failure to file the Semi Annual Report?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Department agreed to settle the issue with regard to whether the Claimant filed her Semi Annual Contact Report and agreed to reinstate the Claimant's FAP case retroactive to December 1, 2012, the date of closure, and compute the FAP benefits and issue a supplement, if any, that Claimant is otherwise entitled to receive in accordance with Department policy.

2. The Claimant received EFIP benefits for a 6 month period beginning August 1, 2012 through January 31, 2013. Exhibit 2.
3. The Claimant received EFIP benefits during the period as the Department believed she was employed during the period August 1, 2012 through January 31, 2013.
4. The Department in its Notice of Case Action stated that it corrected the Claimant's FIP benefits for the period of March 16, 2012 through June 30, 2012. The benefit supplement(s) were paid to the Claimant on January 15, 2013. Exhibits 3 and 4.
5. The Claimant requested a hearing on January 29, 2013 regarding food assistance and case assistance 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.

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 AACCS, 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 this case the Claimant disputed whether she had received her EFIP benefits for January, 2013. EFIP benefits are generally payable for a six month period after an FIP recipient becomes employed, as was the case here. BEM 519 provides:

Families receive EFIP for up to six months, with a grant of \$10, when loss of FIP eligibility relates to income from employment of a FIP program group member.

Each month an individual receives EFIP counts towards the individual's FIP time limit. See BEM 234, FIP Time Limits.

EFIP starts the month following the last month the family was eligible for regular FIP regardless of when the EFIP determination is made. BEM 519, pp. 1, (1/1/13).

It is determined that Claimant did receive EFIP for a period of six months based upon the Benefit Summary inquiry provided by the Department as evidence during the hearing, the Benefit Summary inquiry shows payment of \$10 per month for a 6 month period beginning August 2012 through January 31, 2013. Exhibit 4.

The Claimant also testified that she did not receive a FIP supplement in the amount of \$175 established by the Department's Notice of Case Action dated January 15, 2013. Exhibit 3. Again although the Department could not explain why the supplements were made and whether they were correct, a review of Exhibit 4, the Benefit Summary Inquiry, established that the supplements were paid on January 15, 2013. Thus it is determined that the Department properly paid the supplement and no further issue with regard to the supplements remains.

Lastly the Department has settled the FAP case closure issue, thus there remains no issue to be resolved with regard to the filing by the Claimant of the Semi-Annual Report.

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 paid the Claimant EFIP in full on January 1, 2013 and issued and paid the \$175 supplement on January 15, 2013..


did not act properly when it closed Claimant's FAP case for failing to file a semi annual contact report.

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

Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is AFFIRMED REVERSED and SETTLED for the reasons stated on the record and the Findings made in this Decision.

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

1. The Department shall initiate reinstatement of the Claimant's FAP case retroactive to December 1, 2012 and shall calculate the FAP benefits according to Department Policy.
2. The Department shall issue a FAP supplement to the Claimant for FAP benefits the Claimant was otherwise entitled to receive in accordance with Department policy.


Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 12, 2013

Date Mailed: March 12, 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. (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
Re consideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

LMF/cl

cc:

