

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013 8488
Issue No.: 1038, 3002
Case No.: [REDACTED]
Hearing Date: January 10, 2012
County: Oakland County DHS (02)

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 January 10, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant and [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Jet Coordinator. [REDACTED] vice also appeared as a witness for the Department.

ISSUE

Did the Department properly deny Claimant's application close case for and reduce Claimant's Food Assistance due to non compliance with work related activities?:

- | | |
|--|---|
| <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 type="checkbox"/> Medical Assistance (MA)? | <input type="checkbox"/> Child Development and Care (CDC)? |

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 type="checkbox"/> Medical Assistance (MA). | <input type="checkbox"/> Child Development and Care (CDC). |

2. On November 1, 2012, the Department
 denied Claimant's application closed Claimant's case
due to noncompliance with work first participation activities and imposed first
sanction, 3 months closure and decreased Claimant's Food Assistance due to non
compliance with work first participation activities.

The Department reduced the Claimant's FAP benefits on two occasions. On
October 1, 2012 when it sanctioned the Claimant's FIP case and removed Claimant
from her FAP group as part of the sanction. The FAP benefits were also reduced on
November 1, 2012. Both reductions were due to reduction in FAP group size and
changes in income.

3. On October 17, 2012, the Department sent
 Claimant Claimant's Authorized Representative (AR)
notice of the denial. FIP cash assistance case closure and reduction of
Food Assistance.

4. On October 22, 2012, Claimant filed a hearing request, protesting the
 denial of the application. closure of the FIP cash assistance case and
reduction of Food Assistance.

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 1999 AC, Rule 400.3101
through Rule 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 1999 AC, Rule
400.3001 through Rule 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, Rule 400.3151 through Rule 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 1999 AC, Rule 400.5001 through Rule 400.5015.

Additionally, in this case the Department held a triage which was attended by the claimant to determine if she had good cause to refuse a job offer. At the triage held on September 5, 2012 it was determined that the Claimant refused the job offer because she felt she needed to care for her children instead. This fact was confirmed by the Claimant at the hearing also. Both of Claimant's children attend school. At the triage the Department determined that the Claimant did not demonstrate good cause for refusal to accept the offer of employment and her FIP case was closed. Based upon the testimony of the parties at the hearing, it is determined that indeed the Department correctly closed and sanctioned the Claimant's FIP cash assistance case and reduced her Food Assistance by removing the Claimant from her FAP group in accordance with department policy found in Department of Human Services Bridges Eligibility Manual (BEM) 233A and (BEM) 233B.(October 2012).

The Claimant also sought an explanation as to why her food assistance benefits (FAP) were reduced on two occasions. The Food Assistance Budget reducing benefits to \$305 was provided at the hearing and reviewed with the Claimant. The Department included earned income from Claimant's employer of \$412 based upon weekly pay check stubs provided by the Claimant to the Department (Exhibit 8), and also included her FIP grant of \$492 (the amount received by the Claimant prior to FIP closure due to noncompliance). In calculating a FAP budget following a FIP-related noncompliance, the Department budgets the last FIP grant amount into the FAP budget and the FIP grant is not removed from the FAP budget until the end of the FIP penalty period. BEM 233B.

The Claimant also confirmed that the correct rent amount (\$480) was credited to her when calculating the FAP benefits. The group size was also reduced from 3 to 2 due to the Claimant being removed from the FAP group due to the sanction imposed for non-compliance with work first participation. Based upon the review of the budget and the supporting documents and the testimony of the parties, it is determined that the Department properly reduced the Claimant's FAP benefits to \$305. Exhibits 1 and 5

A review of the FAP budget which resulted in the initial reduction of FAP benefits to \$367 after FIP case closure was also made. The only difference between the two budgets was that the decrease to \$367 was less because the budget did not include earned income as the Claimant was not employed at that time but only included the amount of the FIP grant of 4492 and thus less income was included and counted, which resulted in higher FAP benefits. Exhibit 1 and Exhibit 10. The budget presented by the Department was correct and the FAP benefits were properly reduced.

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


- properly denied Claimant's application improperly denied Claimant's application
 properly closed Claimant's case improperly closed Claimant's case
 properly reduced Claimant's Food Assistance

for: AMP FIP FAP MA SDA CDC.

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. did not act properly.

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


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

Date Signed: January 16, 2013

Date Mailed: January 16, 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
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

LMF/cl

cc:

