

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 201333002
Issue No.: 1017, 3003
Case No.: [REDACTED]
Hearing Date: April 9, 2013
County: Wayne 17

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on April 9, 2013. Claimant appeared and testified.

ISSUE

Did the Department of Human Services determine the proper amount of Claimant's Family Independence Program (FIP) eligibility on February 15, 2013?

Did the Department of Human Services determine the proper amount of Claimant's Food Assistance Program (FAP) eligibility on February 15, 2013?

FINDINGS OF FACT

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

- (1) Claimant was an ongoing recipient of Family Independence Program (FIP) and Food Assistance Program (FAP) benefits.
- (2) On February 15, 2013, the Department updated Claimant's financial eligibility budgets in order to include earned income he reported. Claimant was sent a Notice of Case Action (DHS-1605) which stated that both his Family Independence Program (FIP) and Food Assistance Program (FAP) benefits would decrease.
- (3) On February 28, 2013, Claimant submitted a request for hearing.

CONCLUSIONS OF LAW

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* The Department of Human Services (DHS or department) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

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 of Human Services (DHS or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

During this hearing Claimant's income and expenses were verified. Claimant's FIP and FAP financial eligibility budgets were reviewed. The FIP financial eligibility budget was found to be correct. The FAP financial eligibility budget contained incorrect figures for Claimant's shelter expenses.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services determined the proper amount of Claimant's Family Independence Program (FIP) eligibility on February 15, 2013.

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services DID NOT determine the proper amount of Claimant's Food Assistance Program (FAP) eligibility on February 15, 2013.

It is ORDERED that the actions of the Department of Human Services regarding Claimant's Family Independence Program (FIP), are UPHeld.

It is ORDERED that the actions of the Department of Human Services regarding Claimant's Food Assistance Program (FAP), are REVERSED.

It is further ORDERED that Claimant's shelter expenses be corrected and his Food Assistance Program (FAP) eligibility be recalculated. Any Food Assistance Program (FAP) benefits Claimant was otherwise eligible for, but did not receive due to this incorrect eligibility determination, will be supplemented.

/s/

Gary F. Heisler
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 4/16/13


Date Mailed: 4/17/13

NOTICE: Administrative Hearings 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. Administrative Hearings 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.

GFH/tb

cc:

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