

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

IN THE MATTER OF:



Reg. No.: 201335383
Issue No.: 1010, 3000
Case No.: [REDACTED]
Hearing Date: June 19, 2013
County: Wayne DHS (57)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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, an in-person hearing was held on June 19, 2013 from Detroit, Michigan. Participants included the above-named claimant. [REDACTED] testified and appeared on behalf of Claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Manager.

ISSUES

The first issue is whether DHS properly determined Claimant's Food Assistance Program (FAP) benefit eligibility for 4/2013.

The second issue is whether DHS properly did not process allegedly submitted Family Independence Program (FIP) benefit applications.

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 was an ongoing FAP benefit recipient.
2. In 9/2012, Claimant did not submit an application to DHS requesting FIP benefits.
3. In 12/2012, Claimant did not submit an application to DHS requesting FIP benefits.
4. On 2/26/13, DHS determined that Claimant was eligible to receive \$668 in FAP benefits, effective 3/2013.

5. On an unspecified date, DHS supplemented Claimant's FAP eligibility for 3/2013, 5/2013, 6/2013 to reflect a \$793 issuance for each of those months.
6. DHS conceded that Claimant should have also received \$793 in FAP benefits for 4/2013.
7. On 3/12/13, Claimant requested a hearing to dispute her FAP benefit eligibility, starting with 3/2013, and to dispute an alleged failure by DHS to process a FIP benefit application.

CONCLUSIONS OF LAW

The Food Assistance Program (formerly known as the Food Stamp 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). DHS administers the FAP pursuant to Michigan Compiled Laws 400.10, *et seq.*, and Michigan Administrative Code R 400.3001-3015. DHS regulations are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

The law provides that disposition may be made of a contested case by stipulation or agreed settlement. MCL 24.278(2). In the present case, Claimant requested a hearing, in part, to dispute a FAP benefit determination of \$668, effective 3/2013. DHS conceded that Claimant should have received \$793 in FAP benefits, effective 3/2013. It was not disputed that DHS supplemented Claimant \$125 in FAP benefits for the benefit months of 3/2013, 5/2013 and 6/2013 but not for 4/2013. DHS proposed to supplement Claimant for \$125 in FAP benefits for 4/2013. Claimant accepted the DHS proposal. As the agreement appears to comply with DHS regulations, the settlement among the parties shall be accepted.

The Family Independence Program (FIP) is a block grant that was established by the Social Security Act. Public Act (P.A.) 223 of 1995 amended P.A. 280 of 1939 and provides a state legal base for FIP. FIP policies are also authorized by the Code of Federal Regulations (CFR), Michigan Compiled Laws (MCL), Michigan Administrative Code (MAC), and federal court orders. Amendments to the Social Security Act by the U.S. Congress affect the administration and scope of the FIP program. The U.S. Department of Health and Human Services (HHS) administers the Social Security Act. Within HHS, the Administration for Children and Families has specific responsibility for the administration of the FIP program. DHS policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

Claimant also requested a hearing to dispute an alleged failure by DHS to process a FIP benefit application. Claimant alleged that she submitted applications requesting FIP benefits to DHS in 9/2012 and 12/2012. An application or filing form, with the minimum

information, must be registered on Bridges, unless the client is already active for that program(s). BAM 110 (11/2012), p. 13. DHS denied receiving FIP applications from Claimant for 9/2012 or 12/2012.

A DHS manager testified that when applications are presented, they are logged on paper and registered on Bridges, the DHS database. The DHS manager also testified that office logs were checked from 12/2012 and that Claimant's name did not appear on the logs. He also clarified that logs from 9/2012 were not checked because Claimant had not previously claimed a FIP application submission from 9/2012. The manager's testimony was persuasive evidence that DHS did not misplace multiple applications from Claimant.

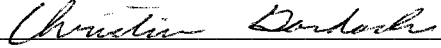
Claimant's testimony concerning an application submission was uninspiring. Claimant gave very few details about the alleged submission. She was also very off-point in her responses when asked during the hearing about application submission details. Even if Claimant testified more convincingly about application submissions, it is exceptionally improbable that DHS would have lost two of Claimant's previously submitted applications. Claimant's lack of details in her testimony and written complaints tended to establish that she misremembered applying for FIP benefits.

Based on the presented evidence, it is found that Claimant did not apply for FIP benefit in either 9/2012 or 12/2012. Accordingly, DHS properly did not register or process FIP eligibility for Claimant.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly did not register a FIP application for Claimant from 9/2012 or 12/2012 because Claimant did not apply for FIP benefits. The actions taken by DHS are PARTIALLY AFFIRMED.

The Administrative Law Judge, based upon the above findings of fact, conclusions of law and by agreement of the parties, finds that Claimant is entitled to a \$125 FAP benefit supplement for 4/2013. The actions taken by DHS are PARTIALLY REVERSED.


Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 6/27/2013

Date Mailed: 6/27/2013

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

MH/hw

cc:

