

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 20146226
Issue No.: [REDACTED]
Case No.: [REDACTED]
Hearing Date: November 20, 2012
County: Kent

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on November 20, 2013, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] and [REDACTED] a. Participants on behalf of the Department of Human Services (Department) included [REDACTED] and [REDACTED].

[REDACTED] appeared for the hearing and represented the Claimant in this matter. [REDACTED] submitted the hearing as an adult member of the Claimant's benefit group, but now is a former member of the benefit group. The Claimant does not speak English, and was entitled to have [REDACTED], his daughter, represent his interests during the hearing. The Department did not object to [REDACTED] acting as his authorized hearings representative.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's eligibility for Family Independence Program (FIP), Medical Assistance (M.A.), and Food Assistance Program (FAP) benefits?

FINDINGS OF FACT

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

1. On August 14, 2013, the Claimant reported to the Department that [REDACTED] was leaving his household.
2. The Claimant is an ongoing Food Assistance Program (FAP) as a group of four and Medical Assistance (M.A.) recipient.

3. The Department received the Claimant's request for a hearing on October 10, 2013, protesting the Department's eligibility determinations for the Family Independence Program (FIP), Medical Assistance (M.A.), and Food Assistance Program (FAP) benefits..

CONCLUSIONS OF LAW

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131.

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act, 42 USC 1396-1396w-5, and is implemented by 42 CFR 400.200 to 1008.59. The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10 and MCL 400.105.

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 271.1 to 285.5. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10 and Mich Admin Code, R 400.3001 to .3015.

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The Department will provide an administrative hearing to review the decision and determine the appropriateness. The Michigan Administrative Hearing System (MAHS) may grant a hearing for any of the following:

MAHS may grant a hearing about any of the following:

- Denial of an application and/or supplemental payments.
- Reduction in the amount of program benefits or service.
- Suspension or termination of program benefits or service.
- Restrictions under which benefits or services are provided.
- Delay of any action beyond standards of promptness.
- For FAP only, the current level of benefits or denial of expedited service. Department of Human Services Bridges Administrative Manual (BAM) 600 (July 1, 2013), p 4.

Based on the evidence and testimony available during the hearing, this Administrative Law Judge finds that the Claimant's representative failed to establish a negative action with respect to the Family Independence Program (FIP) and Medical Assistance (M.A.) programs that this Administrative Law Judge can grant a judgment. Therefore, this Administrative Law Judge finds that the Claimant's hearing request must be dismissed with respect to these programs.

The Claimant is entitled to a hearing to protest the level of Food Assistance Program (FAP) being granted by the Department. On August 14, 2013, Adeaide Bikorwa notified the Department that she no longer resided in the Claimant's household and should be removed from his benefits group. The Claimant was an ongoing Food Assistance Program (FAP) recipient as a group of four that did not include Adelaide Bikorwa. Therefore, there was not change in Food Assistance Program (FAP) benefits based on a change in group size. The Claimant failed to identify any other issue concerning Food Assistance Program (FAP) eligibility for this Administrative Law Judge to grant an order. Therefore, the Department's Food Assistance Program (FAP) eligibility determination is upheld.

DECISION AND ORDER

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it determined the Claimant's Family Independence Program (FIP), Medical Assistance (M.A.), and Food Assistance Program (FAP) eligibility..

Accordingly, the Department's decision is **AFFIRMED**.

/s/
Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 11/26/2013

Date Mailed: 11/26/2013

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

KS/sw

cc:

