

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

**IN THE MATTER OF:**



Reg. No.: 20146475  
Issue No(s): 3002, 6019  
Case No.: [REDACTED]  
Hearing Date: November 20, 2013  
County: Washtenaw

**ADMINISTRATIVE LAW JUDGE:** Darryl T. Johnson

**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 the Claimant, [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Assistance Payments Supervisor, and [REDACTED], Eligibility Specialist.

**ISSUE**

Did the Department properly cancel Claimant's Food Assistance Program (FAP) benefits and suspended her Child Development Care (CDC) benefits?

**FINDINGS OF FACT**

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

1. On August 28, 2013, Claimant applied for FAP and State Emergency Relief (SER) benefits.
2. On August 29, 2013, Claimant was awarded FAP and CDC benefits and a Verification Checklist (DHS-3503) was mailed to Claimant requesting she verify her dependent care expenses and her earnings. Verification was due September 9, 2013
3. On September 24, 2013, Claimant was notified that her case was being closed because she did not provide verification of her wages.

4. On September 30, 2013, Claimant provided proof of her income and utility expenses.
5. Based upon her income, the Department found Claimant eligible for a monthly FAP allotment of [REDACTED] through the American Recovery and Restoration Act (ARRA) for the month of October 2013.
6. Based upon her income, and because of the ending of funding through the ARRA, the Department found Claimant ineligible to receive FAP as of November 1, 2013.
7. The Claimant's child care provider is not approved as a provider by the Michigan Department of Education and therefore the Department could not pay for Claimant's child care as of September 30, 2013.
8. Claimant requested a hearing on October 9, 2013 to dispute the Department's actions with regard to her FAP and CDC benefits.

### **CONCLUSIONS OF LAW**

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

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 Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, 42 USC 601-619, 670-679c, and 1397-1397m-5; the Child Care and Development Block Grant of 1990, PL 101-508, 42 USC 9858 to 9858q; and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193. The program is implemented by 45 CFR 98.1-99.33. The Department administers the program pursuant to MCL 400.10 and provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001-.5020.

The testimony established that Claimant was eligible for FAP benefits in the amount of [REDACTED] effective October 1, 2013. After November 1, 2013, the Department determined that Claimant was ineligible to receive FAP benefits. Through the testimony of the Department representative, it was determined that Claimant's FAP benefits were solely because of funds provided through the ARRA, which were eliminated as of November 1, 2013. The reduction in the standard was an across-the-board adjustment.

In the instant case, the evidence and testimony provided confirm that Claimant is disputing a change in her FAP allotment that resulted from a mass change in law and

policy as defined above, relating to a federal adjustment to eligibility standards, allotments and deductions, and/or State adjustments to utility standards. 7 CFR 273.12(e)(1). Rule 903(3) of the Administrative Procedures Act of 1969 states: "A hearing shall not be granted when either state or federal law requires automatic grant adjustments for classes of recipients, unless the reason for an individual appeal is incorrect grant computation." There is no evidence that there was an incorrect grant computation regarding Claimant's FAP benefits.

Claimant also challenges the Department's denial of CDC benefits. Testimony established that Claimant's CDC benefits are pending while the Department awaits notification from the Department of Education that Claimant's child care provider is an eligible provider. BEM 704 reports the requirements for eligible providers:

Care must be provided in Michigan by an eligible provider. Eligible providers are:


- Child care centers.
- Group child care homes.
- Family child care homes.
- License-exempt facilities.
- Unlicensed providers.

The Department's testimony that Claimant's care provider was not an eligible provider was not challenged by the Claimant. Because Claimant's care provider was not eligible, the Department was correct in suspending her CDC benefits.

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 cancelled Claimant's FAP and suspended her CDC benefits.

### **DECISION AND ORDER**

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

  
**Darryl T. Johnson**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: November 26, 2013

Date Mailed: November 27, 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

DTJ/aca

cc:

