

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

IN THE MATTER OF:

SABATH YOUSIF
39447 VAN DYKE AVE APT 213
STERLING HEIGHTS, MI 48313

Reg. No.: 201315172
Issue No.: 3014
Case No.: 112598120
Hearing Date: January 10, 2013
County: Macomb #36

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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 Lansing, Michigan. Participants on behalf of Claimant included Sabath Yousif and Samira Sharak, acting as interpreter for the Claimant. Participants on behalf of Department of Human Services (Department) included Stephanie Wallingford.

ISSUE

Did the Department properly determine the Claimant's Food Assistance Program (FAP) group composition?

FINDINGS OF FACT

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

1. The Claimant is an ongoing Food Assistance Program (FAP) recipient.
2. The Claimant was a Family Independence Program (FIP) recipient until December 1, 2012.
3. The Department disqualified the Claimant from participation in the Food Assistance Program (FAP) program due to a work-related sanction as of December 1, 2012.
4. On October 29, 2012, the Department notified the Claimant that his Food Assistance Program (FAP) benefits would be reduced to \$546 and that his group size would be reduced to 4 because the Claimant is a disqualified household member.

5. On January 10, 2013, the Department received the Claimant's request for a hearing.

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 Mich Admin Code, R 400.3101 through R 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 Mich Admin Code, R 400.3001 through R 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 AACS, R 400.3151 through R 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 Mich Admin Code, R 400.5001 through R 400.5015.

Additionally, the Department acted in accordance with its policies when it reduced the Claimant's Food Assistance Program (FAP) benefit group size from 5 to 4 because of the Claimant's work-related sanction. Whether the work-related sanction is valid is not at issue here. Only the determination of Food Assistance Program (FAP) group composition is being decided.

The Claimant testified that he requested a hearing protesting the Family Independence Program (FIP) sanction as well as the reduction of his Food Assistance Program (FAP) benefits.

The Department's representative testified that the Food Assistance Program (FAP) issue and the Family Independence Program (FIP) issue were separated into two separate hearings. A notice of hearing will be sent to the Claimant at a later date scheduling a hearing where the Claimant will have the opportunity to dispute the work-related disqualification.

The following excerpt from Bridges Administrative Manual Item 105 may apply to the subsequent hearing:

Record the need for special language accommodations and the applicant's primary spoken and written language on the Household Information screen in Bridges.

A client who needs a bilingual interpreter must be informed that he may choose one of the following:

- Arrangements for an interpreter by DHS, including payment of any costs.
- Use of his or her own adult interpreter.

If the client does not identify his own interpreter, select one of the following, if available, and inform the client:

- DHS staff person with bilingual ability. The client cannot decline the use of such an interpreter if available.
- Community agency or other volunteer. The volunteer must have adequate bilingual ability and must be informed of DHS policy on confidentiality.

If a DHS staff person is not available to interpret and the client declines the use of a volunteer, select one of the following:

- Contractual provider of interpreter services.
- Interpreter hired on an as-needed basis.

Document translation/interpretation assistance provided to a client on the DHS-848, Certification of Translation/Interpretation for non-English Speaking Applicants or Recipients.

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 when it determined the Claimant's Food Assistance Program (FAP) benefit group composition as of December 1, 2012. did not act properly when

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

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

Date Signed: January 14, 2013

Date Mailed: January 15, 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.

201315172/KS

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

KS/tb

cc: SABATH YOUSIF
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