

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201332053
Issue No.: 1022, 3014
Case No.: [REDACTED]
Hearing Date: March 27, 2013
County: Kalamazoo

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 March 27, 2013. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly determine Claimant's Family Independence Program (FIP) and Food Assistance Program (FAP) eligibility on February 7 & 13, 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 January 23, 2013, CPS Worker Elliot informed Claimant's DHS case worker that [REDACTED], Claimant's [REDACTED] lived with Claimant.
- (3) On January 24, 2013, Claimant submitted an application for Family Independence Program (FIP) to add [REDACTED] [REDACTED] [REDACTED] to her benefit group.
- (4) On February 7, 2013, Claimant was sent a Notice of Case Action (DHS-1605) denying the Family Independence Program (FIP) application to add [REDACTED] [REDACTED] [REDACTED] to her benefit group. The denial occurred because of the Department of Human Services Bridges Eligibility Manual (BEM) 210 FIP Group Composition (2013) requirement for a [REDACTED] in the home of [REDACTED] to be the FIP grantee.
- (5) On February 11, 2013, Claimant submitted a request for hearing.

- (6) On February 13, 2013, Claimant was sent a Notice of Case Action (DHS-1605) which added [REDACTED] and [REDACTED] [REDACTED] to Claimant's Food Assistance Program (FAP) benefit group.
- (7) On February 20, 2013, Claimant submitted another request for hearing.
- (8) On February 22, 2013, CPS Worker Elliot informed Claimant's DHS case worker that both [REDACTED] and Claimant reported [REDACTED] bounces around between [REDACTED] [REDACTED].
- (9) On March 1, 2013, CPS Worker Elliot informed Claimant's DHS case worker that both [REDACTED] did not give a different [REDACTED] than Claimant's.

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).

Claimant requested a hearing based on her assertion that [REDACTED] does not live with her. On February 7 & 13, 2013 the Department based their determinations on the fact that [REDACTED] reported living with Claimant to her CPS worker. This report was further supported by the fact that Claimant herself reported [REDACTED] [REDACTED] [REDACTED] living there.

The decision to be made from this hearing is limited to whether the Department made correct eligibility determinations on February 7 & 13, 2013. Regardless of whether Claimant and her [REDACTED] had the same story on those dates, the information available to the Department supports their conclusion that [REDACTED] was living with Claimant. The Department's determinations of February 7 & 13, 2013 will not be reversed. Claimant's recourse to change the Department's record of who lives with her will only be applied going forward.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly determined Claimant's Family Independence Program (FIP) and Food Assistance Program (FAP) eligibility on February 7 & 13, 2013.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHELD.

/s/

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

Date Signed: 5/10/13

Date Mailed: 5/13/13

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.

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

201332053/GFH

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

GFH/tb

cc:

