

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 2013-54386
Issue Nos.: 1000;3019
Case No.: ██████████
Hearing Date: July 22, 2013
County: Wayne (15)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 conducted from Detroit, Michigan on July 22, 2013. Claimant appeared and testified. Participants on behalf of the Department of Human Services (Department) included ██████████, Eligibility Specialist.

ISSUE

Did the Department properly process Claimant's Family Independence Program (FIP) and Food Assistance Program (FAP) cases?

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 a previous recipient of FIP benefits, which were terminated due to noncompliance with work-related activities on March 1, 2013. (Exhibit 2).
2. On June 12, 2013, Claimant submitted an application for FIP and FAP benefits.
3. On June 14, 2013, the Department sent Claimant a Notice of Case Action informing her that for the period of June 12, 2013 through June 30, 2013, her application for FAP benefits was denied because she was receiving FAP benefits

on another case and that for the period of July 1, 2013 ongoing, she was approved for FAP benefits in the amount of \$367.00. (Exhibit 1).

4. As of the date of the request for hearing, there was no negative action taken with respect to Claimant's FIP case.
5. On June 20, 2013, the Department received the Claimant's request for a hearing.

CONCLUSIONS OF LAW

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

FIP

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 Michigan Administrative Code R 400.903(1) provides as follows:

An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by an agency action resulting in suspension, reduction, discontinuance, or termination of assistance.

A request for hearing must be in writing and signed by the claimant, petitioner, or authorized representative. Rule 400.904(1). Moreover, the Bridges Administrative Manual (BAM) 600 (July, 2013), p. 4, provides in relevant part as follows:

The client or authorized hearing representative has *90 calendar days from the date of the written notice of case action to request a hearing*. The request must be received anywhere in DHS within the 90 days. [Emphasis added.]

In the present case, Claimant requested a hearing regarding her FIP case. Claimant's FIP case closed effective March 1, 2013. Claimant testified that in February 2013, she received a Notice of Case Action informing her that the Department intended to close her FIP case. Claimant did not request a hearing to dispute this adverse action taken by the Department until June 20, 2013. Additionally, Claimant submitted a new application

for FIP on June 12, 2013 which, per the Department's testimony, was still pending as of the hearing date because Claimant is required to comply with work-related activities for 21 days before benefits will be approved. Therefore, there was no negative action taken by the Department with respect to Claimant's FIP case during the 90 days preceding the filing of her hearing request; therefore, her hearing request with respect to FIP is DISMISSED for lack of jurisdiction. BAM 600, p 4.

FAP

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 Rule 400.3001 through Rule 400.3015.

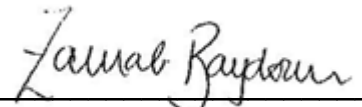
In this case, Claimant requested a hearing regarding a lapse in FAP benefits that she believes she is entitled to receive. Claimant submitted an application for FAP benefits on June 12, 2013 and was approved for benefits effective July 1, 2013 ongoing. (Exhibit 1). The Department testified that Claimant was not approved for FAP benefits for the period of June 12, 2013 through June 30, 2013 because she was included as a FAP group member on her mother's case and that she received FAP benefits under her mother's case for that time period. The Department provided Claimant's mother's FAP EDG Summary for the benefit period May 1, 2013 through June 30, 2013 in support of its testimony to establish that Claimant and her son were listed as FAP group members and received benefits under that case. (Exhibit 3). The Department testified that when Claimant was removed from her mother's case as a FAP group member, she and her son were approved for FAP benefits effective July 1, 2013. (Exhibit 4). Claimant initially testified that she had not been living with her mother since 2010 and that she provided the Department with updated address information. Claimant provided conflicting testimony regarding this issue throughout the hearing, however.

Because the Department established that Claimant received FAP benefits under her mother's case for the period in question, the Department acted in accordance with Department policy when it approved Claimant for FAP benefits on her own case effective July 1, 2013.

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 Claimant's hearing request with regards to FIP is DISMISSED.

The Administrative Law Judge further finds that the Department did act in accordance with Department policy when it processed Claimant's FAP application. Accordingly, the Department's FAP decision is AFFIRMED.



Zainab Baydoun
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 31, 2013

Date Mailed: July 31, 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

ZB/cl

cc: [REDACTED]
[REDACTED]
[REDACTED]
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