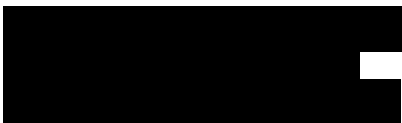


STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 2013-55237
Issue No.: 1021, 2000, 3014, 6000
Case No.: [REDACTED]
Hearing Date: July 31, 2013
County: Kent County DHS

ADMINISTRATIVE LAW JUDGE: Corey A. Arendt

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 July 31, 2013 from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED] [REDACTED] and [REDACTED] [REDACTED].

At the time of the hearing, the Claimant's Child and Developmental Care (CDC) issue and Medical Assistance (MA) issue were resolved.

ISSUE

Due to the receipt of Social Security Income (SSI) did the Department properly determine the children's eligibility for Family Independence Program (FIP) benefits?

Did the Department properly determine the Claimant's group size in determining Food Assistance Program (FAP) eligibility?

FINDINGS OF FACT

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

1. On May 14, 2013 and May 16, 2013, the Claimant applied for MA, CDC benefits, FAP benefits and FIP benefits.
2. As of June 11, 2013, two of the children in the home received SSI.
3. As of June 11, 2013, the Claimant owned an additional property valued at \$ [REDACTED].
4. On June 11, 2013, the Department improperly denied the Claimant's application for CDC, FIP and MA.

5. On June 11, 2013, the Department denied the Claimant's FAP application due to excess assets.
6. On June 17, 2013, the Claimant requested a hearing to dispute the FAP, FIP, CDC and MA denials.
7. On June 28, 2013, the Department approved the Claimant for CDC for all 3 children, MA benefits and FIP benefits for one of the 3 children.
8. At the time of the hearing, the Claimant's CDC and MA issues had been resolved.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1).

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600.

The 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 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 Bridges Reference Manual (BRM).

Assets must be considered in determining eligibility for FIP, SDA, RAPC, LIF, G2U, G2C, SSI-related MA categories, AMP and FAP. (BEM 400).

Assets mean cash, any other personal property and real property. **Real property** is land and objects affixed to the land such as buildings, trees and fences. Condominiums are real property. **Personal property** is any item subject to ownership that is **not** real property (examples: currency, savings accounts and vehicles). (BEM 400).

Determine asset eligibility prospectively using the asset group's assets from the benefit month. Asset eligibility exists when the group's countable assets are less than, or equal to, the applicable asset limit at least one day during the month being tested. The FAP asset limit is \$5,000. (BEM 400).

In determining the FAP group, the relationships of the individuals within the home are examined. Spouses and their children are mandatory group members and must all be included in the FAP group. Children per policy are defined as natural, step and adopted. (BEM 212). In the present case, the Claimant indicated the children were FOSTER children. Per policy, the FAP group may choose to include or exclude a foster

child whose foster parent is a group member. BUT IF EXCLUDED, the foster child IS NOT eligible for FAP as a separate group. (BEM 212).

Therefore, in this case, the foster children alone by themselves are not eligible for FAP benefits by themselves and when combined in the foster parents group, the foster parent's assets exceeded the asset limit set by policy. Consequently, I find the Department's FAP determination to be correct.

The second issue, the Claimant had, was in regards to the approval of only one of the children in the home for FIP benefits. The Department denied FIP benefits to the two children in the home who received monthly SSI benefits. The one child who was approved did not receive monthly SSI benefits.

Department policy does not allow for concurrent receipt of benefits. Specifically, a person cannot receive both SSI and FIP in the same month. (BEM 222). Therefore, I again find the Department properly determined the children's eligibility for FIP benefits.

Accordingly, I affirm the Department's actions in this matter. A MA and CDC determination were not made as the Claimant indicated those two program issues had been resolved at the time of the hearing.

DECISION AND ORDER

I find, based upon the above Findings of Fact and Conclusions of Law find that the Department acted in accordance with the applicable laws and policies in determining the Claimant's eligibility for FAP and FIP benefits.

Accordingly, the Department's FAP and FIP decision is **AFFIRMED**.



Corey A. Arendt
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: August 2, 2013

Date Mailed: August 2, 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

CAA/las

cc:

