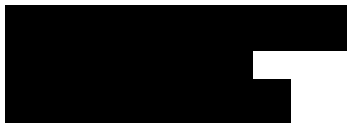


STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 20138967
Issue No: 3014, 6019
Case No: [REDACTED]
Hearing Date: January 15, 2013
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Christopher S. Saunders

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on January 15, 2013. The claimant personally appeared and provided testimony.

ISSUES

1. Whether the department properly denied the claimant's application for Food Assistance Program (FAP) benefits?
2. Whether the department properly denied the claimant's application for Child Development and Care (CDC) benefits?

FINDINGS OF FACT

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

1. The claimant applied for FAP, MA, and CDC benefits.
2. The claimant's application for MA benefits was approved. (Department Exhibit C).
3. On October 16, 2012, the department sent the claimant a notice of case action (DHS 1605) stating that her application for MA benefits had been approved and that her application for FAP and CDC benefits had been denied. (Department Exhibit C).
4. On October 29, 2012, the claimant filed a request for hearing protesting the denial of her application for FAP and CDC benefits.

CONCLUSIONS OF LAW

As a preliminary matter, the claimant's hearing request also pertained to the alleged denial of her application for MA benefits. However, prior to the closure of the hearing record, the department representative testified that the claimant's application for MA benefits had been approved. The department representative produced a notice of case action showing that the claimant's MA application had been approved. Accordingly, as the department has not taken any negative action relating to the claimant's MA benefits, the portion of the claimant's hearing request pertaining to her MA benefits is **HEREBY DISMISSED**.

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 affective eligibility for 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 of that decision. BAM 600.

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 Bridges Reference Manual (BRM).

The Child Development and Care 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 of Human Services (DHS or Department) provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

Regarding FAP, policy states that a person cannot be a member of more than one certified group in any month. BEM 222. In order to determine who is included in the certified group, the department examines the relationship between individuals, where individuals live, and who purchases and prepares meals together. Policy states as follows:

FAP group composition is established by determining:

1. Who lives together.
2. The relationship(s) of the people who live together.
3. Whether the people living together purchase and prepare food together or separately, and
4. Whether the person(s) resides in an eligible living situation (see Living Situations).

RELATIONSHIPS

The relationship(s) of the people who live together affects whether they must be included or excluded from the group. First determine if they **must** be included in the group. If they are **not** mandatory group members, then determine if they purchase and prepare food together or separately.

Parents and Children

Children include natural, step and adopted children. Parents and their children **under** 22 years of age who live together **must** be in the same group regardless of whether the child(ren) have their own spouse or child who lives with the group. BEM 212.

In the case at hand, the claimant is under 22 years old and resides with her mother. Therefore, the claimant would be required to be included in her mother's FAP case. Because the claimant is not eligible to have her own case, the department denied her application for FAP. This Administrative Law Judge finds that the department properly denied the claimant's application for FAP benefits.

In relation to the claimant's application for CDC benefits, the department denied the claimant's application because the department alleges that the claimant did not have a need for CDC assistance. BEM 703 states that there must be a need for an individual to be eligible for CDC benefits, such as the parent's employment. Here the department alleges that the claimant did not have a valid need for CDC benefits. However the testimony shows that the claimant did list a valid need reason on her application. The department representative then asserted that the claimant did not verify her need reason which lead to the denial. Yet the department was not able to state the date that the verification checklist was sent to the claimant or the date it was to be returned. Furthermore, the department did not provide a copy of the verification checklist. The claimant testified that she did not receive a verification checklist. This Administrative Law Judge finds that the claimant did state a need reason on her application. The department has not provided any evidence to show that there was a verification request issued for the claimant's need reason or that there was any failure on behalf of the claimant to provide such. Accordingly, the department improperly denied the claimant's application for CDC benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department did properly deny the claimant's FAP application and improperly denied the claimant's CDC application.

Accordingly, the department's actions in relation to the claimant's FAP application are **AFFIRMED**. It is SO ORDERED.

The department's actions in relation to the claimant's CDC application are **REVERSED**.

It is HEREBY ORDERED that the department shall initiate a redetermination of the claimant's CDC eligibility as of her September 23, 2012 application. The claimant shall be allowed to submit any necessary verifications needed to establish eligibility. If the claimant is found to be otherwise eligible, the department shall issue benefits in accordance with policy and, if applicable, issue any past due benefits due and owing that the claimant is otherwise eligible to receive.

/s/

Christopher S. Saunders
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: January 30, 2013

Date Mailed: January 31, 2013

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 60 days of the filing of the original request.

20138967/CSS

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.

CSS/cr

cc:

