

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

**IN THE MATTER OF:**



Reg. No.: 201424947  
Issue No.: 1002, 1008, 3002  
Case No.: [REDACTED]  
Hearing Date: February 27, 2014  
County: Oakland County DHS #02

**ADMINISTRATIVE LAW JUDGE:** Kevin Scully

**HEARING DECISION**

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on February 27, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED] [REDACTED].

**ISSUE**

Whether the Department of Human Services (Department) properly denied the Claimant's application for Family Independence Program (FIP) and Food Assistance Program (FAP) 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. On December 23, 2013, the Department received the Claimant's Family Independence Program (FIP) and Food Assistance Program (FAP) application.
2. On December 30, 2013 the Department referred the Claimant to the PATH program, and notified her that she had been scheduled for an orientation appointment for January 6, 2014.
3. On December 30, 2013, the Department sent the Claimant a Verification Checklist (DHS-3503), requesting that the Claimant provide verification of her children's attendance in school, and her recent loss of employment by January 9, 2014.
4. On January 16, 2014, the Department denied the Claimant's application for Family Independence Program (FIP) and Food Assistance Program (FAP) benefits.

5. The Department received the Claimant's request for a hearing on January 23, 2014, protesting the denial of her Family Independence Program (FIP) and Food Assistance Program (FAP) application.

### **CONCLUSIONS OF LAW**

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131.

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 271.1 to 285.5. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10 and Mich Admin Code, R 400.3001 to .3015.

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes the completion of necessary forms. Department of Human Services Bridges Assistance Manual (BAM) 105 (March 1, 2013), p 5. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Department of Human Services Bridges Assistance Manual (BAM) 130 (May 1, 2012), p 1. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. BAM 130. The Department uses documents, collateral contacts, or home calls to verify information. BAM 130. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. BAM 130. When documentation is not available, or clarification is needed, collateral contact may be necessary. BAM 130.

Noncompliance by a work eligible individual while the Family Independence Program (FIP) application is pending results in group ineligibility. Department of Human Services Bridges Eligibility Manual (BEM) 233A (July 1, 2013), p 7.

In this case, the Claimant submitted an application for Family Independence Program (FIP) and Food Assistance Program (FAP) benefits. On December 30, 2013, the Department referred the Claimant to the PATH program, and notified her that she had been scheduled for an orientation appointment for January 6, 2014. The Department also sent her a Verification Checklist (DHS-3503), requesting that she provide verification of her children's attendance in school and her recent loss of employment by January 9, 2014.

On January 16, 2014, the Claimant had not attended or rescheduled her orientation to the PATH program. The Claimant also failed to provide the Department with the information necessary to determine her eligibility to receive Family Independence Program (FIP) and Food Assistance Program (FAP) benefits.

201424947/KS


This Administrative Law Judge finds that the Department was acting in accordance with policy when it denied the Claimant's application for Family Independence Program (FIP) and Food Assistance Program (FAP) benefits

**DECISION AND ORDER**

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it denied the Claimant's application for Family Independence Program (FIP) and Food Assistance Program (FAP) benefits.

Accordingly, the Department's decision is **AFFIRMED**.

\_\_\_\_\_  
Kevin

  
Scully  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: March 4, 2014

Date Mailed: March 5, 2014

**NOTICE OF APPEAL:** 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

201424947/KS

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings  
Reconsideration/Rehearing Request  
P.O. Box 30639  
Lansing, Michigan 48909-07322

KS/hj

cc:

