

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

IN THE MATTER OF:

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████████████████████
████████████████████

Reg. No.: 14 008100
Issue No(s): 1001, 3001
Case No.: ██████████
Hearing Date: September 4, 2014
County: Wayne (19)

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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 September 4, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, Eligibility Specialist.

ISSUE

Did the Department properly deny Claimant's application for Family Independence Program (FIP) and Food Assistance Program (FAP) benefits?

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 applied for both FIP and FAP benefits on July 18, 2014.
2. At the time of application, Claimant lived with his ex-wife and two sons.
3. Claimant's ex-wife was employed and earned approximately \$2,664.00 per month.
4. On July 18, 2014, the Department sent Claimant a Notice of Case Action notifying Claimant that his application for FIP and FAP benefits had been denied due to exceeding the allowable income level.

5. On July 24, 2014, Claimant filed a Request for hearing disputing the Department's actions.

CONCLUSIONS OF LAW

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

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, 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 273. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001 to .3015.

Additionally, the Claimant requested a hearing protesting the denial of his application for FIP and FAP benefits. Claimant stated that he was attempting to request benefits on behalf of his two sons and himself but not his ex-wife. Claimant acknowledged that he lived in the home of his ex-wife at the time he applied for FIP and FAP benefits and that she was the mother of his two sons. Department policy states that 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 210 (July 2013), p. 5; BEM 212 (July 2014), p. 1. Accordingly, Claimant's ex-wife was a mandatory group member.

The Department stated, and Claimant confirmed, that Claimant's ex-wife was employed and earned \$16.65 per hour working 40 hours per week. The maximum a group size of four can earn to receive FIP benefits is \$597.00. RFT 210 (December 2013), p. 1. The Department stated that since one of Claimant's sons was in college with no earned income, he was ineligible for consideration in the group. Department policy holds that the FIP income limit for a group size of three is \$492.00. *Id.* Likewise, the gross income limit for a group size of four to receive FAP benefits is \$2,552.00. RFT 250 (December 2013), p. 1. The gross income limit for a group size of three to receive FAP benefits is \$2,116.00. *Id.* The household income, which was based solely on Claimant's wife's earned income, is \$2,664.00 per month which exceeds both the allowable income for the group to receive FIP or FAP benefits even it were based upon a group size of four.

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 policy when it denied Claimant's application for FIP and FAP benefits based on excess income.

DECISION AND ORDER

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



JACQUELYN A. MCCLINTON
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: September 10, 2014

Date Mailed: September 10, 2014

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides or has its principal place of business in the State, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration 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.

The party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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:

14-008100/JAM

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

JAM/cl

cc:

[REDACTED]
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