

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 14-013613  
Issue No.: 1001; 2000; 3011  
Case No.: [REDACTED]  
Hearing Date: November 13, 2014  
County: WAYNE-DISTRICT 31

**ADMINISTRATIVE LAW JUDGE: Susan C. Burke**

**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 November 13, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and Claimant's mother, [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Family Independence Specialist.

**ISSUES**

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

Did the Department properly decrease Claimant's 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 submitted an application for FIP benefits on or about [REDACTED].
2. On [REDACTED], the Department issued a Notice of Case Action denying Claimant's FIP application due to excess income and decreasing Claimant's FAP benefits due to noncooperation with child support requirements.
3. Claimant's group size for FIP was three.

4. A member of Claimant's FIP group received RSDI in the amount of \$424.00 per month.
5. Claimant cooperated with child support requirements.
6. Claimant requested a hearing regarding FIP, FAP and Medical Assistance (MA) on [REDACTED].
7. During the hearing, Claimant stated she no longer requested a hearing regarding MA.

### **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.

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

### **FIP**

In the present case, Claimant acknowledged that her daughter received RSDI in the amount of \$424.00 per month at the time of Claimant's application for FIP. Claimant also acknowledged that Claimant is a recipient of SSI, and thus Claimant was not part

of the FIP group, per BEM 201 (7/2013) p. 8. Claimant acknowledged that without Claimant in the FIP group, the group size was three.

Per BEM 518 (7/2013) and BEM 515 (7/2013), the group income is subtracted from the payment standard of \$420.00 for a group size of three (also see RFT 210 (12/2013), p. 1). Since Claimant's FIP group income (\$424.00) was in excess of the standard of \$420.00, the Department was correct in denying Claimant's FIP application.

### **FAP**

In the present case, the Department decreased Claimant's FAP allotment due to Claimant allegedly not being in cooperation with child support standards. However, the representative from the Office of Child Support testified that Claimant was in cooperation at the time of the decrease in Claimant's FAP allotment. Therefore, the Department was not correct in decreasing Claimant's FAP allotment.

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 Claimant's FIP application, and that it did not act in accordance with Department policy when it decreased Claimant's FAP allotment.

### **MA**

During the hearing, Claimant stated that she no longer requested a hearing regarding MA, as she was now receiving MA.

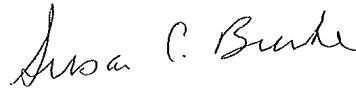
### **DECISION AND ORDER**

Accordingly, the Department's decision is AFFIRMED IN PART with respect to FIP and REVERSED IN PART with respect to FAP.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Remove the child support sanction from Claimant's case, effective [REDACTED], enlisting the assistance of the Office of Child Support, if necessary.
2. Issue FAP supplements for any increased payment.

It is further ORDERED that Claimant's request for hearing regarding MA is DISMISSED pursuant to Claimant's withdrawal of the hearing request during the hearing.



**Susan C. Burke**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: **11/24/2014**

Date Mailed: **11/24/2014**

SCB / hw

**NOTICE OF APPEAL:** A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, 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:

Michigan Administrative Hearings  
Reconsideration/Rehearing Request  
P.O. Box 30639  
Lansing, Michigan 48909-8139

cc:

