

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-006339
Issue No.: 1000
Case No.: [REDACTED]
Hearing Date: July 31, 2014
County: WAYNE-35 (REDFORD)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 July 31, 2014, from Redford, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Hearing Facilitator and [REDACTED], Family Independence Specialist.

ISSUE

Did the Department have an obligation to provide FIP Cash Assistance when the Claimant failed to file an application for FIP 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. The Claimant seeks FAP and FIP cash assistance benefits for her relative as an ineligible grantee placed with the Claimant by child protective services. The Claimant sought benefits for the period July 2013 through December 2013, and claims the Department failed to process her request for FAP and FIP benefits.
2. The Claimant's relative lived with her from July 2013 through December 1, 2013.
3. The Claimant submitted a Change Report to the Department on August 6, 2013 adding her relative to her household. The Department attempted to add the relative to the FAP group on August 6, 2013, but the attempt to add the relative was denied as the relative was active in another FAP group and was not added to

the Claimant's group until November 2013. The Claimant received one month of FAP benefits for her relative.

4. The Claimant did not apply for FIP benefits for the relative ineligible grantee on the August 6, 2013 Change Report. The Claimant confirmed that she did not select FIP benefits.
5. The Department had no record regarding any FIP application filed by the Claimant to seek benefits for the relative ineligible grantee.
6. The Claimant requested a hearing on June 30, 2014 regarding cash assistance and food assistance benefits regarding an ineligible grantee that lived with her due to child protective services placement.

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 evidence presented by the Department demonstrated that the Claimant never applied for FIP cash assistance for the Claimant's relative living with her who was an ineligible grantee. The Claimant's assigned caseworker was off on medical leave for three and one half months, from November 2013 until February 2014, during which time she did not respond to the Claimant's emails. The assigned caseworker credibly testified that she advised the Claimant to apply for FIP benefits. The Claimant never applied for FIP benefits due to her own confusion regarding what the child development and care benefits and ineligible grantee benefits. Given these facts, it is determined that the Claimant because she never applied for FIP Cash Assistance, has no basis to request a hearing regarding the failure of the Department to provide FIP benefits under these circumstances. As regards the FAP benefits, it is determined that because the

Claimant's relative was open in another case when she filed her change report in August, the Department could not provide FAP benefits to the Claimant until the relative child was removed from the other case.

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 had no obligation to provide the Claimant FIP benefits when she did not apply for them, and thus there is nothing to be decided. Therefore, the request for hearing regarding FIP benefits is DISMISSED.

The Department's processing of the Claimant's request for FAP benefits is also upheld as the Department had no obligation to provide FAP benefits until the relative was removed from the other FAP group.

DECISION AND ORDER

Accordingly,

The Claimant's Request for Hearing regarding FIP benefits is DISMISSED.

The Department determination regarding Claimant's application for FAP benefits is AFFIRMED.



Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **9/15/2014**

Date Mailed: **9/15/2014**

LMF/tm

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 48909-07322

cc:

