

**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 006712
Issue No(s): 1001, 3001
Case No.: ██████████
Hearing Date: August 7, 2014
County: Wayne (76)

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 August 7, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ ██████████, Family Independence Manager/Hearing Facilitator, and ██████████ ██████████, Family Independence Specialist.

ISSUE

Did the Department properly close Claimant's 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 was an ongoing FIP recipient.
2. Claimant is an ongoing FAP recipient.
3. A Department worker read Claimant's address incorrectly and changed Claimant's address causing her not to receive mail from the Department.
4. The Department eventually changed Claimant's address back and sent a Verification Checklist (VCL) to Claimant requesting that she verify the correct address by May 5, 2014.

5. Claimant did not return the proof of residency until June 3, 2014.
6. On June 3, 2014, the Department sent Claimant a Notice of Case Action notifying her that her case would close effective July 1, 2014 for failure to participate in employment related activities and failure to verify residency.
7. On July 3, 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.

On June 3, 2014, the Department sent a Notice of Case Action notifying Claimant that both her FIP and FAP benefits would close effective July 1, 2014 because Claimant failed to return the required verification. Further, the Notice of Case Action also stated that Claimant's benefits would end because she failed to participate in employment related activities.

FAP

The Department testified that Claimant's FAP case closed for failure to return verification. The Department initially sent the VCL to an incorrect address. The Department became aware that it had the incorrect address and then resent the VCL to the correct address requesting proof of residency with a due date of May 5, 2014. Claimant did not return proof of residency until June 3, 2014. The Department acknowledged that a worker misread one of the numbers in Claimant's address and updated Claimant's file with the incorrect address. Prior to this change, Claimant had been an ongoing FAP recipient. If the Department had not incorrectly changed Claimant's address, the VCL would have never been needed. Further, Claimant

testified that she returned all documents timely upon receipt. Therefore, it is found that the Department improperly closed Claimant's FAP case for failure to return requested information.

The Department testified that Claimant's FIP case closed because she failed to complete her FAST which is required as part of participation in employment related activities. The Department acknowledged that for a period of time, Claimant was sent mail to the incorrect address. Claimant testified that she never received the document directing her to complete her FAST requirement. Claimant further stated that when she realized that the Department was sending mail to the incorrect address, she went into the Department office for assistance. At that time, a Department representative assisted Claimant in completing her FAST requirement. It is found that Claimant completed her FAST requirement at her earliest possible opportunity and as such, her FIP benefits should not have ended effective July 1, 2014 for failure to participate in employment related activities.

Conclusion

The Department testified that it planned to reinstate both Claimant's FIP and FAP benefits due to mail being sent to the incorrect address. This supports a finding that the Department was aware that Claimant's FIP and FAP benefits closed due to issues surrounding her address. However, before it was able to reinstate Claimant's benefits, her 18 year old daughter applied for both FIP and FAP benefits. The Department opened FAP benefits with Claimant's daughter as the grantee for the group which included Claimant. Claimant called the Department and requested that she be listed as the grantee for the FAP benefits instead of her daughter. The Department complied with this request and Claimant is currently listed as the grantee for the group effective August 1, 2014.

The Department stated that Claimant was no longer entitled to FIP benefits once her daughter applied because Claimant did not meet any of the criteria to receive FIP benefits. Claimant stated that at the time her FIP and FAP benefits ended, her daughter was still in high school. Department policy allows for a child who is age 18 and still in high school to be a group member with the parent for FIP benefits. BEM 210 (July 2013), p. 2. Accordingly, Claimant may have still been eligible to receive FIP benefits as long as her daughter was a full time student. The Department failed to provide either a FIP or FAP budget. Therefore, it is unclear whether Claimant received the FIP and/or FAP benefits she was entitled to receive for July 2014.

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 did not act in accordance with policy when it closed Claimant's FAP benefits for failure to participate in employment related activities. Further, it is found that the Department did not act in accordance with policy when it closed Claimant's FIP benefits for failure to complete her FAST requirement.

DECISION AND ORDER

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

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. Reinstate Claimant's FIP and FAP benefits effective July 1, 2014; and
2. Issue supplements to Claimant that she was eligible to receive but did not for both FIP and FAP effective July 1, 2014, ongoing.



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

Date Signed: August 14, 2014

Date Mailed: August 14, 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.

14-006712/JAM

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

JAM/cl

cc: [REDACTED]
[REDACTED]
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