

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

IN THE MATTER OF:

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

Reg. No.: 14-009952
Issue No.: 1001, 3001
Case No.: ██████████
Hearing Date: September 17, 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 17, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and ██████████, Claimant's brother/interpreter. Participants on behalf of the Department of Human Services (Department) included ██████████, PATH Worker.

ISSUE

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

Did the Department properly approve Claimant's application for Family Assistance Program (FAP) benefits with a group size of two instead of three?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On June 18, 2014, Claimant applied for FIP and FAP benefits for himself and his two minor children.
2. Claimant was approved for FAP benefits with a group size of two which consisted of his two minor children but excluded him.
3. On July 25, 2014, the Department sent Claimant a Notice of Case Action notifying him that his application for FIP benefits had been denied due to his citizenship status.

4. On August 1, 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 Department must determine the alien status of each non-citizen requesting benefits at application, member addition, redetermination, and when a change is reported. BEM 225 (January 2014), p 1. To be eligible for full FIP and FAP benefits a person must be a U.S. citizen or an alien admitted to the U.S. under a specific immigration status. BEM 225, p. 2.

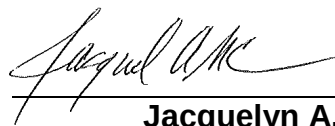
Claimant applied for MA benefits on June 18, 2014. He provided a copy of the citizenship cards for himself and his two minor children. The citizenship cards did not indicate a status that would allow Claimant or his children to be eligible for FIP benefits. Further, Claimant's citizenship status did not allow for him to be considered as a group member for FAP benefits. However, because his minor children are under age 18, they meet the eligibility criteria for FAP benefits. BEM 225, p. 33. It is found that the Department properly denied Claimant's application for FIP benefits and properly processed Claimant's application for FAP benefits.

It should be noted that the policy (BEM 225) that was admitted into evidence was effective July 2014 which was after the date of application. Therefore, the effective date used in making this decision was January 2014. The policy remained unchanged but the page reference at the hearing differs slightly than what has been cited in this decision.

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 application for FIP benefits and approved the FAP benefits with a group size of two.

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: **9/23/2014**

Date Mailed: **9/23/2014**

JAM / cl

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:

Government	Percentage
Current government	85%
Previous government	15%