

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

IN THE MATTER OF:

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

Reg. No.: 14-017688
Issue No.: 1001, 3001, 6001
Case No.: ██████████
Hearing Date: January 14, 2015
County: Wayne (15-Greydale)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

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 January 14, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████

ISSUE

Did the Department properly close Claimant's Family Independence Program (FIP) and reduce the Claimant's Food Assistance (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 recipient of FIP benefits.
2. On November 25, 2014, the Department sent Claimant a notice of noncompliance with the requirements of employment and/or self-sufficiency-related activities. A triage was scheduled for December 2, 2014, and Claimant failed to attend.
3. On November 25, 2014, the Department sent Claimant a notice of case action informing her that her FIP benefits were scheduled to be closed on January 1, 2015, and that she was scheduled to be removed from her FAP group also on January 1, 2015.
4. On December 3, 2014, Claimant requested a hearing to protest the removal from her FAP group and the closure of her FIP benefits.

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 Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, 42 USC 601-619, 670-679c, and 1397-1397m-5; the Child Care and Development Block Grant of 1990, PL 101-508, 42 USC 9858 to 9858q; and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193. The program is implemented by 45 CFR 98.1-99.33. The Department administers the program pursuant to MCL 400.10 and provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001-.5020.

CDC

Claimant requested part of the hearing deal with the Department's failure to provide childcare for her minor child. The department testified that Claimant submitted a provider verification form and not a CDC application. This was not rebutted by Claimant. Therefore, the CDC issue is DISMISSED.

FIP and FAP

At the hearing, the Department testified that Claimant failed to attend the scheduled triage on December 2, 2014. The Department further testified that it failed to schedule a prehearing conference.

During the course of the hearing, the Department recognized that Claimant had a minor child under the age of six. Department policy calls for deferring one person, in the FAP group, who personally provides care for a child under the age of six.

Here, the Department did not defer Claimant allowing her to care for her minor child and allowing her to continue to receive FAP benefits. BEM 230 A (October 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

- ☒ acted in accordance with Department policy when it denied Claimant's FIP application for Claimant's failure to participate in work-related activities.
- ☒ did not act in accordance with Department policy when it removed Claimant from her FAP group.
- ☐ failed to satisfy its burden of showing that it acted in accordance with Department policy when it .

DECISION AND ORDER

Accordingly, the Department's decision is

- ☐ **AFFIRMED.**
- ☐ **REVERSED.**
- ☒ **AFFIRMED IN PART** with respect to the Department's denial of Claimant's FIP application for failure to participate in work-related activities; **REVERSED IN PART** with respect to the Department's removal of Claimant from her FAP group; and **DISMISSED IN PART** with respect to the CDC issue.
- ☒ **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. Reinstatement the Claimant to her FAP group back to January 1, 2015, and supplement for any missed benefits.



Michael J. Bennane
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **2/9/2015**

Date Mailed: **2/9/2015**

MJB / pf

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