

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201424188
Issue No.: 1001, 3001, 6001
Case No.: [REDACTED]
Hearing Date: February 25, 2014
County: Oakland County DHS #04

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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 February 25, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED] [REDACTED].

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's eligibility for Family Independence Program (FIP), Food Assistance Program (FAP), and Child Development and Care (CDC) benefits?

FINDINGS OF FACT

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

1. The Department sanctioned the Claimant's Family Independence Program (FIP) and Food Assistance Program (FAP) benefits for noncompliance with work related activities.
2. On December 23, 2013, the Claimant submitted an application for Family Independence Program (FIP), Food Assistance Program (FAP), and Child Development and Care (CDC) benefits.
3. On December 27, 2013, the Department referred the Claimant to the PATH program.
4. On January 13, 2014, the Department denied the Claimant's application for benefits.
5. The Department received the Claimant's request for a hearing on January 22, 2014, protesting the denial of his application for benefits.

CONCLUSIONS OF LAW

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10 and 400.57a 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 271.1 to 285.5. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10 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 t o 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.

A work eligible individual who refuses, without good cause, to participate in assigned employment and/or other self-sufficiency related activities is subject to penalties. Department of Human Services Bridges Eligibility Manual (BE M) 230A (October 1, 2013), p 1.

A person disqualified from the Food Assistance Program (FAP) must comply with the requirements of the cash program to regain eligibility. Department of Human Services Bridges Eligibility Manual (BEM) 233B (July 1, 2013), pp 1-12.

The Department sanctioned the Claimant's Family Independence Program (FIP) and Food Assistance Program (FAP) benefits for noncompliance with work related activities, and the validity of this sanction is not relevant to this hearing. The Claimant had 90 days to protest the sanction, and this hearing request is not timely with respect to the validity of the sanction.

The Claimant does not automatically regain Family Independence Program (FIP) and Food Assistance Program (FAP) at the end of his sanction. The Claimant is required to reapply and meet the qualifications of these programs.

On December 23, 2013, the Claimant submitted an application for Family Independence Program (FIP), Food Assistance Program (FAP), and Child Development and Care (CDC) benefits. On December 27, 2013, the Department sent the Claimant a referral to the PATH program.

On January 13, 2014, the Claimant had not participated in the PATH program, and his application for Family Independence Program (FIP) was denied.

The Claimant requested Child Development and Care (CDC) benefits, but the child for which benefits had been requested had not yet been born. The Department denied this

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request because the Claimant did not meet all of the requirements of the Child Development and Care (CDC) program.


Based on the evidence and testimony available during the hearing, the Department has established that it was acting in accordance with policy when it denied the Claimant's request for Family Independence Program (FIP), Food Assistance Program (FAP), and Child Development and Care (CDC) benefits.

DECISION AND ORDER

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 Family Independence Program (FIP), Food Assistance Program (FAP), and Child Development and Care (CDC) benefits.

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

Kevin


Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: March 4, 2014

Date Mailed: March 5, 2014

NOTICE OF APPEAL: The claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely Request for Rehearing or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

Michigan Administrative Hearing System (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request (60 days for FAP cases).

A Request for Rehearing or Reconsideration may be granted 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;

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- 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 Department, AHR or the claimant 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 the hearing decision is mailed.

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

KS/hj

cc:

