

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2014-6938  
Issue No.: 1000; 3004  
Case No.: [REDACTED]  
Hearing Date: January 9, 2014  
County: Wayne (35)

**ADMINISTRATIVE LAW JUDGE:** Christian Gardocki

**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 9, 2014, from Detroit, Michigan. Participants included the above-named Claimant, [REDACTED], Claimant's mother testified on behalf of Claimant. Participants on behalf of the Department of Human Services (DHS) included [REDACTED], Specialist.

**ISSUES**

The first issue is whether Claimant timely requested a hearing to dispute a Family Independence Program (FIP) application denial.

The second issue is whether Claimant reported a change in household members affecting Claimant's Food Assistance Program (FAP) benefit eligibility.

**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 FAP benefit recipient.
2. On [REDACTED]/13, Claimant applied for FIP benefits.
3. On an unspecified date within 30 days of [REDACTED]/13, DHS denied Claimant's FIP benefit application.

4. Prior to [REDACTED] 13, Claimant did not report any household changes to DHS.
5. On [REDACTED] 13, Claimant requested a hearing to dispute the denial of a FIP benefits and an alleged failure by DHS to factor a change in household members.

### **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. Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM) and Department of Human Services Bridges Eligibility Manual (BEM) and Department of Human Services Reference Tables Manual (RFT).

Claimant requested a hearing because DHS “repeatedly denied for cash”. Claimant alleged that she most recently applied for cash on [REDACTED]/13 and that DHS denied the application. DHS alleged that Claimant’s last FIP application was submitted in 2012. For purposes of this decision, it will be accepted that Claimant applied for FIP on [REDACTED]/13.

The client or authorized hearing representative has 90 calendar days from the date of the written notice of case action to request a hearing. BAM 600 (7/2013), p. 5. The request must be received anywhere in DHS within the 90 days. *Id.*

Claimant conceded that DHS sent her a written denial within 30 days of the date she applied for FIP benefits. Thus, DHS could not have sent a written notice of denial any later than [REDACTED] 13. Claimant requested a hearing to dispute the denial on [REDACTED] 13. Claimant’s hearing request was submitted more than 90 days after DHS issued a written notice of denial. It is found that Claimant untimely requested a hearing to dispute the denial of a FIP application dated [REDACTED] 13.

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. Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM) and Department of Human Services Bridges Eligibility Manual (BEM) and Department of Human Services Reference Tables Manual (RFT).

Claimant also alleged that she requested a hearing to dispute a failure by DHS to process a reported change. Claimant testified that her spouse began living with her on [REDACTED] 13 and that she reported the change to DHS shortly thereafter.

A member add that increases benefits is effective the month after it is reported or, if the new member left another group, the month after the member delete. BEM 550 (7/2013), p. 4. For FAP benefits, DHS is to act on a change reported by means other than a tape match within 10 days of becoming aware of the change. BAM 220 (7/2013), p. 6.


Claimant alleged that DHS failed to process a reported change in household members. DHS responded that Claimant failed to report the change. Clients must report changes in circumstance that potentially affect eligibility or benefit amount. BAM 105 (9/2012), p. 5.

Claimant alleged that she reported the change in household members through an online reporting system. During the hearing, DHS obtained a document alleging to show Claimant's communications made through the online reporting system. The document failed to show any reported change in household members. Based on the presented evidence, it is found that Claimant did not report any change in household members to DHS.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that Claimant untimely requested a hearing to dispute the denial of a FIP application allegedly submitted by Claimant to DHS on [REDACTED] 13. Claimant's hearing request is **PARTIALLY DISMISSED**.

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly determined Claimant's FAP eligibility from 10/2013 based on Claimant's failure to report any household changes. The actions taken by DHS are **AFFIRMED**.

  
Christian Gardocki  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: 01/14/2014

Date Mailed: 01/14/2014

**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;
- 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

CG/hw

cc:

