

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-014234
Issue No.: 1000, 3000, 6001
Case No.: [REDACTED]
Hearing Date: January 5, 2015
County: Oakland (02)

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, an in-person hearing was held on January 5, 2015, from Madison Heights, Michigan. Participants included the above-named Claimant. Participants on behalf of the Department of Human Services (DHS) included [REDACTED], Manager, and [REDACTED], Specialist.

ISSUES

The first issue is whether Claimant withdrew her dispute concerning an unspecified Food Assistance (Program (FAP) benefits dispute.

The second issue is whether Claimant withdrew her dispute concerning denial of a Family Independence Program (FIP) application.

The third issue is whether DHS properly denied Claimant's Child Development and Care (CDC) application due to Claimant's alleged failure to have a valid need for CDC 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], Claimant applied for FIP benefits.
3. On [REDACTED], Claimant applied for CDC benefits.
4. Claimant attended Partnership. Accountability, Training. Hope (PATH) for a three week period beginning the end of 9/2014.
5. On [REDACTED], DHS denied Claimant's FIP application due to an alleged failure by Claimant to verify assets.
6. On [REDACTED] DHS denied Claimant's CDC application for the reason that Claimant did not have a valid need reason to receive CDC benefits.
7. On [REDACTED], Claimant requested a hearing to dispute the denial of FIP and CDC applications; Claimant also requested a hearing concerning an unspecified FAP benefit dispute.
8. Claimant testified that she wishes to withdraw her FAP and FIP benefit dispute.

CONCLUSIONS OF LAW

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's hearing request checked that she requested a hearing to dispute a FAP benefit denial/closure. Claimant's hearing request did not detail any FAP benefit dispute. Claimant testified that DHS resolved her FAP benefit dispute and that she wished to withdraw her hearing request concerning FAP benefits. DHS provided no objections to Claimant's withdrawal. Claimant's hearing request concerning FAP benefits is appropriately dismissed.

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, in part, due to a FIP application denial. Claimant testified that she did not necessarily agree with the DHS denial of her FIP application, but that she did not wish to seek reinstatement of her FIP application. Claimant testified that she wished to withdraw her hearing request concerning FIP eligibility. DHS provided no objections to Claimant's withdrawal. Claimant's hearing request concerning FIP benefits is appropriately dismissed.

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. 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).

Lastly, Claimant requested a hearing to dispute a denial of CDC benefits. It was not disputed that DHS denied Claimant's application for the reason that Claimant did not have a valid need to receive CDC benefits.

There are four valid CDC need reasons. BEM 703 (8/2014), p. 4. Each need reason must be verified and exists only when each parent/substitute parent is unavailable to provide the care because of: family preservation, high school completion, an approved activity or employment. *Id.*

DHS testimony conceded that Claimant attended PATH for 20 hours per week for 3 weeks, beginning the end of 9/2014. DHS testimony conceded that Claimant's PATH participation was an approved need for CDC benefit eligibility. DHS testimony also conceded that the denial of Claimant's CDC application was improper.

The DHS concessions were consistent with DHS policy and presented facts. It is found that DHS improperly denied Claimant's CDC application dated [REDACTED].

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that Claimant withdrew her hearing request concerning an unspecified FAP benefit dispute and a denial of FIP application dated [REDACTED]. 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 improperly denied Claimant's application for CDC benefits. It is ordered that DHS perform the following actions:

- (1) reinstate Claimant's CDC application dated [REDACTED]; and
- (2) initiate processing of Claimant's CDC application subject to the finding that Claimant had a valid need reason for CDC benefits by virtue of PATH attendance for 20 hours per week over a 3 weeks period.

The actions taken by DHS are **REVERSED**.



Christian Gardocki
Administrative Law Judge
for Nick Lyons, Interim Director
Department of Human Services

Date Signed: **1/8/2015**

Date Mailed: **1/8/2015**

CG / hw

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 48909-8139

cc:

