

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

IN THE MATTER OF:

[REDACTED]

MAHS Reg. No.: 15-019057
Issue No.: 1001;3001
Agency Case No.: [REDACTED]
Hearing Date: December 17, 2015
County: Wayne-District 18

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

HEARING DECISION

Following Petitioner'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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on December 17, 2015, from Detroit, Michigan. Petitioner appeared for the hearing and represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearings Facilitator.

ISSUE

Did the Department properly process Petitioner's Family Independence Program (FIP) and Food Assistance Program (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. Petitioner was an ongoing recipient of FIP and FAP benefits.
2. On [REDACTED], Petitioner reported to the Department that her son, Child A had moved back to her home and requested that he be added to her FIP and FAP cases.
3. On [REDACTED] the Department received a completed Verification of Student Information form for Child A. (Exhibit A, pp. 1-2)
4. On [REDACTED] Petitioner received the \$140 school clothing allowance for each of her two other children. (Exhibit A, p. 3)

5. Petitioner requested a school clothing allowance for Child A, however, was denied by the Department as no funds were available.
6. On [REDACTED], Petitioner requested a hearing disputing the Department's actions.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and 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 Department of Human Services) 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-.3131.

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, 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 Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

In this case, Petitioner requested a hearing disputing the Department's actions with respect to her FIP and FAP benefits. At the hearing, Petitioner stated that the issue with respect to her son, Child A, being added as a member of her FIP and FAP group had been resolved and that the only issue remaining was the denial of the school clothing allowance for Child A. Petitioner testified, and her hearing request indicates, that she tried contacting her case worker and other Department individuals about the clothing allowance for her son, however, by the time her case worker returned from vacation and attempted to request the clothing allowance, she was informed that there were no funds available.

Children's clothing allowances are considered to be a supplement for eligible FIP groups for a given year when funding becomes available. When funding is available, an Interim Policy Bulletin will be issued stating the effective month. BAM 405 (July 2013), p. 4. BPB 2015-014, Children's Clothing Allowance Policy Bulletin provides the eligibility criteria for receipt of the clothing allowance. BPB 2015-014 (September 2015), p.1. With respect to payments, Bridges will automatically issue supplements for the children's clothing allowance to FIP EDGs with qualifying children who are eligible for September

2015 FIP payments in Bridges as of the single deadline date of [REDACTED]. The children's clothing allowance supplement is deposited into the client's EBT cash account. The supplement amount will include \$140 for each eligible child and will be automatically issued if the FIP EDG is active on [REDACTED] for September benefits. A supplement will be deposited into the client's EBT cash account at the same time as the FIP payment is issued, but will appear as a separate payment. Any request for new FIP EDG openings or member adds for September 2015 that are processed after the initial clothing allowance monthly payroll run for September will require an exception, however, once the funding for the children's clothing allowance is depleted, there will be no additional funds allocated, regardless of the eligibility of the FIP EDG. BPB 2015-014 (September 2015), pp.1-2.

In the present case, Petitioner reported that her son moved back in the home on [REDACTED], and the Department testified that he was added to her FIP case effective [REDACTED], pursuant to Department policy. The Department stated that while Petitioner's other two children received the clothing allowance on [REDACTED], in accordance with the policy bulletin, at the time that Petitioner's third child, Child A was added to the FIP case, the funds were no longer available and the clothing allowance supplement could not be issued to Petitioner for Child A.

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 processed Petitioner's FIP and FAP benefits, as the funding had been depleted at the time that the clothing allowance request for Child A was made.

DECISION AND ORDER

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



Zainab Baydoun
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **12/22/2015**

Date Mailed: **12/22/2015**

ZB / tlf

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 copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from 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:

