

**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.: 15-020226
Issue No.: 1001, 3001
Agency Case No.: [REDACTED]
Hearing Date: December 16, 2015
County: Wayne (15) Greystone

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 16, 2015, from Detroit, Michigan. The Petitioner was represented by the Petitioner, [REDACTED] [REDACTED]. The Department of Health and Human Services (Department) was represented by [REDACTED] [REDACTED] Case Manager.

ISSUE

Did the Department properly end the Petitioner's son's Family Independence Program (FIP) 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. The Department removed and closed the Petitioner's dependent son's FIP case benefits on November 1, 2015, by Notice of Case Action dated October 8, 2015, due to the Petitioner's son being an adult and having reached his [REDACTED] birthday. Exhibit 1.
2. The Petitioner's son turned [REDACTED] years of age on [REDACTED].
3. The Department increased the Food Assistance Program (FAP) benefits for Petitioner's FAP group when the FIP benefits of Petitioner's son were removed from the FAP group income. Exhibit 1. The Petitioner's son remained in the FAP group as a member before and after the son's FIP case closed on November 1, 2015.
4. The Petitioner requested a timely hearing on October 19, 2015, protesting 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, the Department closed the Petitioner's son's FIP benefits as of November 1, 2015, based upon the son turning [REDACTED] years old as of [REDACTED]. Department policy as regards FIP eligibility for a high school student who turns [REDACTED] and is still in school provides:

Age is an eligibility factor for FIP, SDA, RCA, CDC and certain MA types of assistance.

An individual remains eligible with respect to age for the entire month in which they reach the maximum age.

Bridges evaluates age as an eligibility factor at application, redetermination and whenever an individual reaches an age limit defined in this item. BEM 240 (July 1, 2014) p. 1

Department policy provides further as to age of a dependent child's FIP eligibility:

Age of a Child

FIP Only

A dependent child must meet the conditions described below:

- The dependent child is under age 6.
- The dependent child is age 6 through 17, attending school full-time.
- The dependent child is age 18 and attending high school full-time until either the dependent child

graduates from high school or turns 19, **whichever occurs first**. BEM 240, p.1 (emphasis supplied).

The Department correctly closed the Petitioner's son Christopher's case when he turned █ because although he would not complete high school until 2016 in June, the son turned age █ first; and thus, the case closed. Based upon BEM 240 and the specific policy cited above, the Department correctly closed the FIP case eligibility for the Petitioner's son. This Administrative Law Judge has no equity jurisdiction, and thus, must follow policy and apply it without regard to equitable principles.

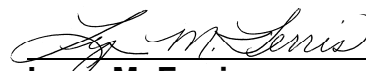
As regards the Petitioner's hearing request regarding FAP benefits, the Petitioner asserted at the hearing that his son had been removed from the FAP group. This contention was not supported by the evidence presented by the Department. The Petitioner's son remained in the FAP group throughout the period of September and November 2015, and the FAP benefits for the group went up due to the income from the son's FIP benefit being removed from the FAP group income. This action was based upon a Notice of Case Action dated October 8, 2015, which increased the FAP benefits to \$█ per month based upon a household size of four(4) members, which included the Petitioner's son. Exhibit 1. Thus, the Department clearly established that the Petitioner's son remained eligible for FAP benefits ongoing based upon the evidence at the hearing.

The Petitioner also sought a hearing regarding the Petitioner's son's application for State Disability Assistance (SDA) as a caretaker of his two disabled parents. At the time of the hearing, the Department had not yet acted to either approve or deny the application; thus, there was no issue to be determined at the time of the hearing regarding the Department's determination. Depending upon the Department's decision, the Petitioner's son may request a hearing regarding the Department's actions.

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 closed the Petitioner's son's FIP benefits due to his age when he turned █ years old; and there was no issue to be determined with regard to the Department's actions and Petitioner's son remaining in the FAP group.

DECISION AND ORDER

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



Lynn M. Ferris
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Mailed: **12/17/2015**

LMF/jaf

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:

