

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

IN THE MATTER OF:

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MAHS Reg. No.: 15-024077
Issue No.: 1000;3001;4000
Agency Case No.: ██████████
Hearing Date: February 11, 2016
County: Wayne-District 19

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 February 11, 2016, from Detroit, Michigan. Petitioner appeared for the hearing and represented herself. The Department was represented by ██████████, Hearings Facilitator.

ISSUE

Did the Department properly deny Petitioner's application for cash assistance benefits 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 and her Living Together Partner (LTP) live together and have nine minor children in common who are also residing in the home.
2. Petitioner, her LTP, and their nine children were active recipients of FAP benefits on a FAP case under the LTP's name. (Exhibit C1)
3. On December 2, 2015, Petitioner submitted an application for cash assistance and FAP benefits for herself and the nine children. (Exhibit A)
4. Petitioner did not list her LTP as a member of the household on the application.
5. On December 21, 2015, the Department sent Petitioner a Notice of Case Action informing her that the December 2, 2015, FAP application was denied on the basis that the individuals are eligible for FAP on another case. (Exhibit B)

6. On December 21, 2015, the Department sent Petitioner a Notice of Case Action advising her of its decision concerning her cash assistance application. (Exhibit B)
7. On December 30, 2015, Petitioner emailed a hearing request to the Department disputing the Department's actions with respect to her cash assistance and FAP benefits. (See Petitioner's Hearing Request)

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).

Cash Assistance Application

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 State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. The Department of Health and Human Services (formerly known as the Department of Human Services) administers the SDA program pursuant to 42 CFR 435, MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

On December 30, 2015, Petitioner emailed a hearing request to her Department case worker disputing the Department's actions with respect to her cash assistance and FAP benefits. At the hearing, Petitioner's hearing request was reviewed, at which point it was determined that Petitioner's request for hearing was not signed by Petitioner or an Authorized Hearing Representative (AHR) and that Petitioner's hearing request was sent to the Department via email. (See Petitioner's hearing request). Department policy provides that requests for hearing must be made in writing and signed by an adult member of the eligible group or the client's AHR. The request must bear a signature. Furthermore, the client is to deliver, mail, or fax the request to their local Department office for processing. For FAP cases only, a hearing request may be oral or written. MAHS will deny requests signed by unauthorized persons and requests without signatures. BAM 600 (October 2015), pp. 2-5.

Therefore, although there was some testimony taken and evidence admitted during the hearing concerning the processing and subsequent denial of Petitioner's cash assistance application, upon further review of Department policy, because Petitioner's hearing request was not signed, and because it was not delivered, faxed or mailed to

the Department, the request with respect to cash assistance (FIP/SDA) is **DISMISSED**. The hearing commenced with respect to Petitioner's FAP benefits.

FAP Application

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.

Additionally, food assistance group composition is established by determining who lives together, the relationships of the people who live together, whether the people living together purchase and prepare food together or separately and whether the person resides in an eligible living situation. BEM 212 (October 2015), p. 1. Parents and their children under 22 years of age who live together must be in the same group regardless of whether the children have their own spouse or child who lives with the group and regardless of whether they purchase and prepare food together. BEM 212, p. 1.

In the present case, Petitioner submitted an application for FAP benefits on behalf of herself and her children. Petitioner's LTP who is also the father of the children lives with Petitioner and the children in the home; however, Petitioner did not list the LTP as a household member. (Exhibit A). The Department presented evidence that at the time of the application, Petitioner and her children were active FAP recipients on the LTP's FAP case. (Exhibit C1). The Department sent Petitioner a Notice of Case Action informing her that her application was denied on the basis that she was eligible and receiving FAP benefits on another case. (Exhibit B). Although, Petitioner stated that she wanted her own FAP case with her children and no longer wanted to be on the same FAP case with her LTP, based on the above referenced policies, the Department properly determined that Petitioner, her LTP and their children were mandatory group members and required to be on the same FAP case.

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 Petitioner's FAP application.

DECISION AND ORDER

Accordingly, the hearing request with respect to FIP/SDA is **DISMISSED** and the Department's FAP decision is **AFFIRMED**.



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

Date Signed: **2/23/2016**

Date Mailed: **2/23/2016**

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.

