



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
Christopher Seppanen  
Executive Director

MIKE ZIMMER  
DIRECTOR



Date Mailed: March 29, 2016  
MAHS Docket No.: 16-001871  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Gary Heisler

### **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 March 17, 2016, from Lansing, Michigan. Petitioner was represented by herself. The Department was represented by Hearing Facilitator [REDACTED]

### **ISSUE**

Did the Department properly close Petitioner's Family Independence Program (FIP) and Food Assistance Program (FAP) on March 1, 2016?

### **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 Family Independence Program (FIP) and Food Assistance Program (FAP) benefits. Her benefit group consisted of herself and her three children.
2. On January 4, 2016, Petitioner was sent a Verification Checklist (DHS-3503) requesting verification of her children's school attendance and her home rent. The verifications were due back on January 14, 2016.
3. On January 15, 2016, Petitioner submitted her verification of home rent.
4. On January 20, 2016, the Department had not received verification of the children's school attendance. Petitioner was sent a Notice of Case Action (DHS-

1605) which stated her Family Independence Program (FIP) and Food Assistance Program (FAP) would close on March 1, 2016, for failure to provide required verifications.

5. On January 20, 2016, an Office of Inspector General FEE investigation report was completed regarding Petitioner.
6. On January 21, 2016, the required school attendance verifications for Petitioner's children were submitted to the Department.
7. On February 8, 2016, Petitioner submitted a 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).

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.

The Department's action, as provided in the January 20, 2016, Notice of Case Action (DHS-1605), is the subject of this hearing. The conclusions of the OIG's FEE investigation were not the reason for closure of Petitioner's Family Independence Program (FIP) and Food Assistance Program (FAP). Bridges Administration Manual (BAM) 220 Case Actions, at pages 12 & 13, provides the relevant Department policy regarding the circumstances in this case. It provides:

#### **DELETING A NEGATIVE ACTION**

##### **All Programs**

Negative actions must be deleted from Bridges in some situations.

### **Hearing Requests**

Record the hearing request date and complete all required information on the Hearings Restore Benefits screen in Bridges. Then follow Additional Steps to Delete a Negative Action in this section; see BAM 600, Hearings.

### **Requirement Met Before Negative Action Effective Date**

Enter the information the client provided to meet the requirement that caused the negative action, using the appropriate Bridges screens. Then follow Additional Steps to Delete a Negative Action in this section.

### **Additional Steps to Delete a Negative Action**

Take these additional steps to delete a negative action in Bridges:

Reactivate the program(s) on the Program Request screen in Bridges.

Run eligibility and certify the results.

Bridges will automatically recalculate benefits based on the information and dates entered in the system; see EFFECTIVE DATE OF CHANGE in this item.

The closure of Petitioner's Family Independence Program (FIP) and Food Assistance Program (FAP) was an incorrect action in accordance with Department policy. During this hearing Petitioner testified that she moved out of the apartment into a temporary location during February. Petitioner also testified that her children are not staying with her at her temporary location. Because Petitioner's children were not residing with her on March 1, 2016, she would not be eligible for Family Independence Program (FIP) benefits so reinstating her Family Independence Program (FIP) is not a proper order in response to the incorrect closure of that program. Reinstating her Food Assistance Program (FAP) and determining what if any eligibility she has in her new circumstances is a proper order in response to the incorrect closure of that program.

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 did not act in accordance with Department policy when it closed Petitioner's Family Independence Program (FIP) and Food Assistance Program (FAP) on March 1, 2016.

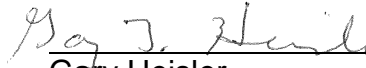
### **DECISION AND ORDER**

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reinstate Petitioner's Food Assistance Program (FAP); determine her eligibility in light of the changes in her residence and benefit group; issue her current notice of her updated Food Assistance Program (FAP) eligibility.

GH/nr



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Gary Heisler  
Administrative Law Judge  
for Nick Lyon, Director  
Department of Health and Human Services

**NOTICE OF APPEAL:** A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; 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

DHHS


[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Petitioner**

[REDACTED]