



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: March 24, 2017
MAHS Docket No.: 17-001008
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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 21, 2017, from Detroit, Michigan. The Petitioner was represented by Petitioner. The Department of Health and Human Services (Department) was represented by [REDACTED] Family Independence Specialist.

ISSUE

Did the Department properly close Petitioner's Family Independence Program (FIP) and Food Assistance Program (FAP) benefits effective January 1, 2017?

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 is an ongoing recipient of FIP and FAP benefits.
2. In December 2016, the Department received information that Petitioner had applied for benefits in [REDACTED].
3. On [REDACTED], the Department sent Petitioner a Notice of Case Action which informed Petitioner that her FIP and FAP benefits would close effective [REDACTED].

4. On [REDACTED], Petitioner filed a Request for 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.

MA/CDC

The hearing was requested to dispute the Department's action taken with respect to the FIP/FAP/MA/CDC program benefits. Shortly after commencement of the hearing, Petitioner testified that she now understood the actions taken by the Department relating to her MA and did not wish to proceed with the hearing on that issue. Petitioner further testified that at the time she submitted her Request for Hearing, she was not the recipient of CDC benefits and as such indicated that she wished to withdraw her Request for Hearing relating to MA and CDC benefits. The Department agreed to the dismissal of the hearing request. Pursuant to the withdrawal of the hearing request filed in this matter, the Request for Hearing as it relates to MA and CDC benefits only, is **DISMISSED**.

FIP/FAP

In this case, the Department testified that it closed Petitioner's FIP and FAP benefits because it received information from the State of [REDACTED] indicating that Petitioner applied for benefits in that state. Petitioner testified that she did not submit an application for benefits in [REDACTED]. Petitioner further testified that she has been a resident of Michigan for the past year and a half. The Department reviewed Petitioner's EBT history (purchase history of FAP benefits) and it confirmed that Petitioner used her FAP benefits in Michigan in December 2016 and January 2017 and further confirmed that there were no FAP purchases used in [REDACTED].

The Department provided no evidence to support a finding that Petitioner was not a resident of Michigan at the time it sent Petitioner the Notice of Case Action dated [REDACTED] which closed her FIP and FAP benefits effective [REDACTED]. Therefore, it is found that the Department improperly closed Petitioner's FIP and FAP benefits.

DECISION AND ORDER

Petitioner's Request for Hearing regarding MA and CDC benefits is hereby **DISMISSED**.

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 FIP and FAP benefits effective [REDACTED].

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 FIP and FAP benefits effective [REDACTED];
2. Issue FIP and FAP supplements that Petitioner was eligible to receive but did not effective [REDACTED]; and
3. Notify Petitioner in writing of its decision.

JM/hw



Jacquelyn A. McClinton

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]

Authorized Hearing Rep.

[REDACTED]

Petitioner

[REDACTED]