



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR



Date Mailed: March 21, 2017
MAHS Docket No.: 17-001819
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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. After due notice, telephone hearing was held on March 15, 2017, from Lansing, Michigan. The Petitioner represented herself. The Department was represented by [REDACTED] [REDACTED] Hearing Facilitator.

ISSUE

Did the Department of Health and Human Services (Department) properly determine Petitioner's eligibility for 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 Food Assistance Program (FAP) on January 12, 2017, when the Department received her application for Family Independence Program (FIP) benefits. Exhibit A, pp 3-22.
2. On January 12, 2017, the Department sent Petitioner a Verification Checklist (DHS-3503) with a January 23, 2017, due date, requesting verification of her relationship to her children and the balance on a debit card. Exhibit A, pp 23-24.
3. On January 26, 2017, the Department notified Petitioner that she was not eligible for Family Independence Program (FIP) and Food Assistance Program (FAP) benefits as of February 1, 2017. Exhibit A, pp 25-29.

4. On January 31, 2007, the Department received Petitioner's request for a hearing protesting the denial of Family Independence Program (FIP) and Food Assistance Program (FAP) benefits. Exhibit A, p 2.
5. On February 9, 2017, the Department notified Petitioner that she was eligible for Food Assistance Program (FAP) benefits effective February 1, 2017. Exhibit A, pp 30-33.

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.

Clients must cooperate with the local office in determining initial and ongoing eligibility and this includes the completion of necessary forms. Department of Human Services Bridges Assistance Manual (BAM) 105 (October 1, 2016), p 8.

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. The Department uses documents, collateral contacts, or home calls to verify information. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. When documentation is not available, or clarification is needed, collateral contact may be necessary. Department of Human Services Bridges Assistance Manual (BAM) 130 (January 1, 2017), pp 1-9.

Assets means cash, any other personal property and real property. Real property is land and objects affixed to the land such as buildings, trees and fences. Condominiums are real property. Personal property is any item subject to ownership that is not real property. Countable assets cannot exceed the applicable asset limit. An asset is

countable if it meets the availability tests and is not excluded. Available means that someone in the asset group has the legal right to use or dispose of the asset. Department of Human Services Bridges Eligibility Manual (BEM) 400 (January 1, 2017), pp 1-7.

Petitioner was an ongoing FAP recipient when on January 12, 2017, the Department received her application for FIP benefits. On January 12, 2017, the Department sent Petitioner a Verification Checklist (DHS-3503) requesting verification of the balance on a debit card and verification of her relationship with her children by January 23, 2017. On January 26, 2017, the Department had not received the information requested on January 12, 2017, and it notified Petitioner that she was not eligible for FIP and FAP benefits as of February 1, 2017.

The Department's representative testified that sometime after January 23, 2017, the Department received verification of the balance on the debit card, a countable asset.

Reinstatement restores a closed program to active status without completion of a new application. Closed programs may be rein-stated for any of the following reasons:

- Closed in error.
- Closed-correct information not entered.
- Timely hearing request.
- Redetermination packet not logged in.
- Hearing decision ordered reinstatement.
- Complied with program requirements before negative action date.
- DHS-1046 manually sent and due date is after the last day of the 6th month.
- Court ordered reinstatement.

Department of Health and Human Services Bridges Administrative Manual (BAM) 205 (July 1, 2016), p 1.

On January 31, 2007, the Department notified Petitioner that her FAP benefits had been reinstated in accordance with BAM 205. There is a maximum asset limit to receive FAP benefits, but no requirement that persons who purchase and prepare food together be related. Since Petitioner had not been an active FIP recipient, reinstatement of her FIP application was not authorized by BAM 205.

Petitioner argued that she received conflicting information from various employees of the Department. Petitioner testified that she believed that she had fully complied with the January 12, 2017, Verification Checklist (DHS-3503). Petitioner testified that she

was assured that her relationship with her children had been verified through her receipt of cash assistance from another state.

When cash assistance is requested for a dependent child, or a dependent child is a mandatory FIP EDG member, all of the following individuals who live together are in the FIP EDG: Dependent child, Child's legal parent(s), Child's legal siblings who meet the definition of a dependent child (siblings have at least one legal parent in common), Legal parent(s) of the child's siblings, Child's legal stepparent, even after death of or divorce from the parent, Child's legal stepsiblings, who meet the definition of a dependent child, even after death of or divorce from the parent, and Child's child. Refusal of any FIP EDG member to provide information needed to determine FIP eligibility causes ineligibility for the entire FIP EDG. Department of Health and Human Services Bridges Eligibility Manual (BEM) 210 (January 1, 2017), pp 5-6.

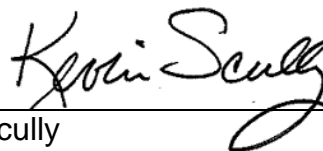
Since it was necessary to provide verification of the relationship with the minor children in the benefit group because this relationship is the basis for eligibility for FIP benefits, Petitioner's failure to provide such verification justified denial of her FIP application as directed by BEM 210.

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 restored Petitioner's Food Assistance Program (FAP) benefits as of February 1, 2017, and denied her January 12, 2017, Family Independence Program (FIP) application.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/nr



Kevin Scully
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]

Petitioner

[REDACTED]