



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 28, 2017  
MAHS Docket No.: 17-001959  
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 March 13, 2017, from Detroit, Michigan. The Petitioner was represented by Petitioner. The Department of Health and Human Services (Department) was represented by [REDACTED] [REDACTED] Hearing Facilitator.

### **ISSUE**

Did the Department properly issue Petitioner FAP benefits in January 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. On [REDACTED], Petitioner applied for FAP benefits.
2. On [REDACTED], the Department approved Petitioner's application for FAP benefits and issued Petitioner FAP benefits in the amount of \$ [REDACTED].
3. On [REDACTED], the Department sent Petitioner a Notice of Case Action which notified Petitioner that her FAP benefits would increase to \$ [REDACTED] 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.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, 42 USC 601-619, 670-679c, and 1397-1397m-5; the Child Care and Development Block Grant of 1990, PL 101-508, 42 USC 9858 to 9858q; and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193. The program is implemented by 45 CFR 98.1-99.33. The Department administers the program pursuant to MCL 400.10 and provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001-.5020.

It should be noted that Petitioner filed the [REDACTED], Request for Hearing based upon the denial of FIP benefits; the denial of CDC benefits and because she did not believe that she received any FAP benefits in January 2017.

The Department testified that although it initially denied Petitioner's [REDACTED], application for FIP and CDC benefits, it reregistered the application once it discovered that it improperly denied the application.

### FIP

Regarding the FIP benefits, after the Department reinstated the application, it sent Petitioner a PATH appointment notice which instructed Petitioner to appear for a PATH appointment. Petitioner failed to appear and thus on [REDACTED], the Department sent Petitioner a Notice of Case Action which notified Petitioner that her application for FIP benefits had been denied. Because the Department reinstated Petitioner's [REDACTED] application and subsequently denied the application after the date Petitioner requested a hearing, the undersigned does not have jurisdiction over the [REDACTED]

█, negative action. Petitioner was informed of her right to Request a Hearing as it relates to the █ negative action. The undersigned finds that there is no issue to be resolved as the Department properly reinstated Petitioner's █, █ application. Therefore, Petitioner's █ Request for Hearing as it relates to FIP benefits is dismissed.

### CDC

The Department testified that it improperly denied Petitioner's █, application for CDC benefits. As a result, it reregistered the application. The Department testified that on █, it sent Petitioner a Notice of Case Action which informed Petitioner that her application for CDC benefits had been approved retroactive to █. Petitioner testified that she was unaware that her CDC benefits had been approved. Because the benefits were approved effective █, there is no issue for the undersigned to resolve and thus Petitioner's █ Request for Hearing as it relates to CDC benefits is dismissed.

### FAP

In this case, Petitioner testified that she did not dispute the amount of benefits that she received in February 2017 or March 2017. Further, Petitioner testified that she did not dispute the Department's determination that she was entitled to \$█ in FAP benefits in January 2017. Petitioner stated that she filed the Request for Hearing because she did not receive any benefits in January 2017. However, the Department provided evidence that it issued Petitioner FAP benefits on █ in the amount of \$█. As such, it is found that the Department properly issued Petitioner's FAP benefits in January 2017.

## DECISION AND ORDER

The Petitioner's █, Request for Hearing relating to FIP 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 acted in accordance with Department policy when it issued Petitioner FAP benefits in the amount of \$█ in January 2017.

Accordingly, the Department's decision is **AFFIRMED** as it relates to Petitioner's Request for Hearing regarding FAP benefits.

JM/hw



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**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]

**Petitioner**

[REDACTED]