



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: April 11, 2017
MAHS Docket No.: 17-002804
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 April 6, 2017, from Lansing, Michigan. Petitioner was represented by himself and his wife, [REDACTED]. 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)?

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), Food Assistance Program (FAP) and Medical Assistance (MA) benefits.
2. On December 2, 2016, Petitioner submitted a Redetermination (DHS-1010).
3. On January 4, 2017, Petitioner's case worker submitted a Front End Eligibility Investigation referral. The case worker had concerns that Petitioner's wife was living in the home, contrary to what Petitioner asserted.
4. On February 13, 2017, the Department's Office of Inspector General Regulation Agent [REDACTED] issued his conclusion from the Front End Eligibility

Investigation. RA Fechter concluded that Petitioner's wife was living in the household and advised that Petitioner's Family Independence Program (FIP) and Food Assistance Program (FAP) should be denied. Petitioner was sent a Notice of Case Action (DHS-1605) which stated his FIP and FAP are closed because he committed an Intentional Program Violation (IPV).

5. On February 24, 2017, 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.

In this case, the Department should have included Petitioner's wife in the benefit groups and determined eligibility for the new, larger benefit group. If there was any change in Petitioner's eligibility due to income, the change should have been issued in a Notice of Case Action (DHS-1605). Any closure due to an Intentional Program Violation (IPV) can only be effected through the procedures contained in Bridges Administration Manual (BAM) 720 Intentional Program Violation (1-1-2016) which requires an Administrative Law Hearing to determine if an Intentional Program Violation (IPV) was committed.

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 close Petitioner's Family Independence Program (FIP) and Food Assistance Program (FAP).

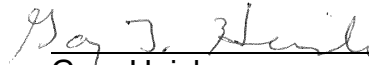
DECISION AND ORDER

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 Family Independence Program (FIP) and Food Assistance Program (FAP).
2. Make any required changes in Petitioner's benefit group and determine Family Independence Program (FIP) and Food Assistance Program (FAP) eligibility based on Department policy to include issuing a current notice of eligibility.

GH/nr



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]

[REDACTED]

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]