



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: May 11, 2018
MAHS Docket No.: 18-002778
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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; 42 CFR 438.400 to 438.424; 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 May 3, 2018, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Family Independence Specialist.

ISSUE

Did the Department properly determine the Petitioner's eligibility for Food Assistance Program (FAP) and the Family Independence Program (FIP)?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Petitioner was a recipient of FIP and FAP.
2. On January 30, 2018, the Petitioner notified the Department through her Redetermination Application, DHS 1010, that her granddaughter, [REDACTED], was back in the home since November 11, 2017. Department Exhibit 1, pgs. 1-8.
3. The Petitioner's granddaughter was employed on January 16, 2018 and earning earned income from [REDACTED], who listed her address as [REDACTED], [REDACTED]. Department Exhibit 1, pgs. 9-10.
4. On March 1, 2018, the Department Caseworker sent the Petitioner a Notice of Case Action, DHS-1605, that she had FIP from May 1, 2017 through June 30, 2017 in the amount of \$ [REDACTED] but that her FIP would stop on July 1, 2017 and she

had FAP for February 1, 2018 through February 28, 2018 for a group size of 2 in the amount of \$ [REDACTED] that decrease to \$ [REDACTED] for March 1, 2018 for a group size of 3. Department Exhibit 1, pgs. 13-17.

5. On March 13, 2018, the Department received a hearing request from the Petitioner, contesting the Department's negative action.
6. On March 19, 2018, the Department Caseworker sent the Petitioner a Notice of Case Action, DHS-1605, that she had been reinstated for FIP from September 1, 2017 through November 30, 2017 for \$ [REDACTED] a month and March 1, 2018 ongoing. She was not eligible for December 2017 through February 2018 because the mother of the child was in the home. Department Exhibit 1, pgs. 20-24.

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's position is that the Petitioner's granddaughter was in the home from November 11, 2017 until March 14, 2018. Since the granddaughter is the mother to the Petitioner's great-grandson, she is a mandatory member and has to be counted if she is in the household. The Petitioner testified during the hearing that her granddaughter was in the home from November 11, 2017 through November 18, 2017.

However, the Department Caseworker case notes reflect that the Petitioner was called back on March 14, 2018 where the Petitioner reported that her granddaughter was no longer in the home to make the case change to remove her from the case for FIP and FAP. On March 1, 2018, the Department Caseworker documented that the Petitioner's granddaughter was employed at [REDACTED] and at the [REDACTED] per the Petitioner. All 3 household members eat and prepare food together. The Petitioner was requesting assistance from the Department Caseworker because she was having

problems getting the employment verification for her granddaughter's employment. Department Exhibit 2, pgs. 13. This Administrative Law Judge finds that the Petitioner's granddaughter was in the home after November 18, 2017. The Petitioner discussed her at the redetermination interview. She called back to get assistance with verifying her granddaughter's employment and verified that they eat and prepare food together on March 1, 2018. Department Exhibit 2, pgs. 13.

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 determined the Petitioner's eligibility for FAP and FIP.

DECISION AND ORDER

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



CF/nr

Carmen G. Fahie
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) 763-0155; 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]