



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

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Date Mailed: June 17, 2019
MOAHR Docket No.: 19-004541
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

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 June 6, 2019, from Lansing, Michigan. Petitioner was unrepresented. The Department of Health and Human Services (Department) was represented by Rick Merrill, ES Worker.

ISSUE

Are there hearable issues with regards to Petitioner's April 26, 2019, hearing request regarding CDC and 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. On March 20, 2019, Petitioner filed a hearing request. On April 26, 2019, Petitioner also filed a hearing request regarding CDC and FIP.
2. At a May 6, 2019, prehearing conference Petitioner withdrew her March 20, 2019, hearing request. During the prehearing Petitioner stated that she stopped working. The Department advised Petitioner to provide verification that she stopped working. The Department also advised Petitioner to file for FIP.
3. At the administrative hearing, Petitioner stated that she did not have a CDC issue but disputed FIP and FAP. Petitioner did not request a hearing on the FAP and the Department objected on going forward on the FAP issue as it was not prepared.

4. To date, the Department does not have verification that Petitioner stopped working.
5. As of the date of the administrative hearing, the Department had not made a determination of Petitioner's FAP application.
6. In mid-May 2019, the State of Michigan gave Petitioner \$1,900.00 to assist her and her family in her move to Ohio.
7. On May 31, 2019, Petitioner moved to Ohio.

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.

Direct Support Services (DSS) is established by the Social Welfare Act, MCL 400.1-.119b. The program is administered by the Department pursuant to MCL 400.10 and 400.57a and Mich Admin Code R 400.3603.

In all eligibility hearings for welfare programs, the applicant has the burden of proof by a preponderance of evidence.

In this case, each of the programs Petitioner disputes will be taken separately.

First, Petitioner stipulated at the hearing that she no longer disputes any CDC program issues.

Regarding FIP, Petitioner applied [REDACTED] 2019. As of the administrative hearing the Department had not processed Petitioner's application. However, the Department indicated that Petitioner is time limited and thus would not be otherwise eligible. Nor would Petitioner be eligible for FIP benefits from the State of Michigan while an Ohio resident.

Regarding FAP, Petitioner did not request a hearing on the FAP program. However, even if she had, the Department indicated that Petitioner would not be eligible for an increase absent verification that her income stopped; to date Petitioner has not delivered verification of income ending. Petitioner disputed this. However, Petitioner presented no verification at the administrative hearing. Petitioner did not meet her burden of proof.

Regarding the \$1,900.00 the State of Michigan granted Petitioner to assist in her move to Ohio, Petitioner does not have any disputes regarding these monies.


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 with regards to the issues raised by Petitioner herein as to her FIP and FAP programs.

DECISION AND ORDER

Accordingly, the Department's decisions as of the date of the administrative hearing are supported by policy and procedure and otherwise, there is no other hearable issue. Thus, any actions taken by the Department to date is

AFFIRMED.

JS/dh



Janice Spodarek
Administrative Law Judge
for Robert Gordon, 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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

DHHS

Pam Farnsworth
903 Telegraph
Monroe, MI 48161

Monroe County, DHHS

BSC4 via electronic mail

B. Cabanaw via electronic mail

L. Brewer-Walraven via electronic mail

Petitioner

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