



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]
Date Mailed: August 15, 2019
MOAHR Docket No.: 19-007485
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Zainab A. Baydoun

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 August 12, 2019, from Detroit, Michigan. Petitioner appeared for the hearing and represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator.

ISSUE

Did the Department properly close Petitioner's Food Assistance Program (FAP) case and calculate the amount of her Family Independence Program (FIP) 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 is an ongoing recipient of FAP and FIP benefits. Petitioner's household consists of herself and her two grandchildren (Child A and Child B) of whom she is the guardian.
2. On an unverified date, the Department closed Petitioner's FAP case. The Department determined that this was done in error, and at the hearing, it was established that Petitioner's FAP case was reinstated. Petitioner confirmed that her FAP case was reinstated and that she was supplemented for missed FAP benefits as a result of the case closure.
3. Petitioner is considered an ineligible grantee for purposes of the FIP.

4. Child A is a recipient of SSI. The Department asserted that Child A's SSI benefits began in March 2017; however, Petitioner maintained that his SSI began in March 2018.
5. Since on or around March 1, 2017, Petitioner has been approved for FIP benefits in the amount of \$158 monthly for Child B, as Child A was found ineligible for FIP benefits based on his receipt of SSI. (Exhibit A, p. 6)
6. On or around July 12, 2019, Petitioner requested a hearing disputing the Department's closure of her FAP case and the amount of her FIP benefits.
7. Petitioner verbally withdrew her Request for Hearing concerning the FAP, as she confirmed that the issue had been resolved and her case reinstated.

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).

FAP

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 hearing was requested to dispute the Department's action taken with respect to Petitioner's FAP benefits. Shortly after commencement of the hearing, Petitioner testified that she was satisfied with the actions taken by the Department and did not wish to proceed with the hearing regarding FAP, as the case had been reinstated and she was approved for ongoing benefits. She further stated that she received a supplement for missed FAP benefits and confirmed that no promises were made in exchange for her withdrawal. The Request for Hearing regarding FAP was withdrawn. The Department agreed to the dismissal of the hearing request. Pursuant to the withdrawal of the hearing request filed in this matter, the Request for Hearing concerning FAP is, hereby, **DISMISSED**.

FIP

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.

In this case, Petitioner requested a hearing disputing the Department's calculation of her FIP benefits. Petitioner testified that she did not agree with the amount of her FIP benefits prior to Child A's receipt of SSI and continuing to the current time. Petitioner was informed that the undersigned Administrative Law Judge (ALJ) did not have the authority to address the amount of her FIP benefits from 2017 and 2018, as Department policy provides that she is to file a request for hearing within 90 days of a negative action being taken on her case. See BAM 600. Therefore, the hearing proceeded with respect to the current amount of Petitioner's FIP benefits.

The Department testified that because Petitioner is a recipient of SSI, she is considered an ineligible grantee for purposes of the FIP. The Department stated that upon Child A's approval for SSI, he was removed from the FIP grant and no longer eligible to receive FIP through the State of Michigan. Thus, Petitioner's FIP benefits were based on her status as an ineligible grantee caring for one minor child, Child B. The Department testified that Petitioner's grandson was approved for \$158 monthly, which is the maximum amount of FIP benefits allowable for a group size of one.

Petitioner, Child A, and Child B are considered members of the FIP eligibility determination group (EDG). BEM 210 (April 2019), pp. 1-3. Because Petitioner receives SSI, she is considered an ineligible grantee per Department policy and Child A is considered an "other child" per policy, as he is also an SSI recipient. BEM 210, pp. 8-9. While Petitioner and Child A are included in the FIP EDG group, they are not included in the FIP certified group which determines the amount of assistance per individual. Upon review, the Department properly determined that Petitioner's FIP case has a certified group of one, Child B. Because the FIP monthly assistance payment standard for ineligible grantees with a group size of one is \$158, the Department properly calculated the amount of Petitioner's FIP benefits and concluded that she is eligible for \$158 monthly. RFT 210 (April 2017), pp. 1-2.

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 calculated the amount of Petitioner's FIP benefits.

DECISION AND ORDER

Accordingly, the hearing request with respect to FAP is **DISMISSED** and the Department's FIP decision is **AFFIRMED**.

ZB/tlf



Zainab A. Baydoun
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

Via Email:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Petitioner – Via First-Class Mail:

[REDACTED]
[REDACTED]
[REDACTED]