



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: December 21, 2018
MAHS Docket No.: 18-011874
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; 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 December 17, 2018, from Detroit, Michigan. Petitioner represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator.

ISSUE

Did the Department properly deny Petitioner's [REDACTED], 2018 application for Family Independence Program (FIP) benefits?

Did the Department provide Petitioner with notice of its decision relating to her [REDACTED] 2018 application for Food Assistance Program (FAP) 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. On [REDACTED], 2018, Petitioner submitted an application for FIP and FAP benefits for herself and her grandson.
2. At the time of the application, Petitioner's grandson was a group member on his mother's FAP case.
3. On October 3, 2018, the Department sent Petitioner a Notice of Case Action which notified Petitioner that her application for FIP benefits had been denied effective October 1, 2018 and was scheduled to close on November 1, 2018.

4. The Department failed to provide Petitioner with the notice of its decision regarding the FAP benefits.
5. On October 16, 2018, 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.

FIP

In this case, the Department confirmed that Petitioner applied for FAP and FIP benefits for herself and her grandson. The Department indicated that on October 3, 2018, it sent Petitioner a Notice of Case Action which notified her that her FIP benefits had been denied as of October 1, 2018 and closed as of November 1, 2018. Despite the information contained in the Notice of Case Action, the Department confirmed that Petitioner's FIP case never closed.

Petitioner is an ineligible grantee. The maximum an ineligible grantee can receive is \$[REDACTED] per month. The Department presented a Benefit Issuance Summary which revealed that Petitioner has received [REDACTED] every two weeks since September 26, 2018. As such, the Department properly issued Petitioner the maximum FIP benefits allowed.

FAP

The Department conceded that never sent Petitioner a Notice of Case Action relating to her FAP benefits following the submission of her [REDACTED] 2018 application. A negative action, as defined by the Department, is a MDHHS action to deny an application or to reduce, suspend or terminate a benefit. This includes an increase in a

post-eligibility patient-pay amount for MA or an increase in the client pay for a special living arrangement See BAM 220 pg. 1 (October 2015). A notice of case action must specify the following:

- The action(s) being taken by the department.
- The reason(s) for the action.
- The specific manual item which cites the legal base for an action or the regulation or law itself.
- An explanation of the right to request a hearing.
- The conditions under which benefits are continued if a hearing is requested. See BAM 220 pg. 2 (October 2015).

Because the Department failed to provide Petitioner with notice and failed to make any changes in Petitioner's case within the required timeframe, it is found that the Department failed to timely process Petitioner's application as it relates to her FAP benefits.

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 FIP payments in the amount of \$158.00 per month beginning September 6, 2018. Further, 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 failed to process Petitioner's [REDACTED], 2018 application for FAP benefits and failed to provide Petitioner with notice of its decision.

DECISION AND ORDER

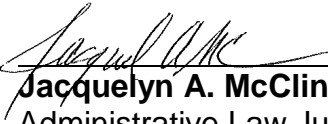
Accordingly, the Department's decision is **AFFIRMED IN PART** with respect to FIP benefits and **REVERSED IN PART** with respect to FAP benefits.

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. Redetermine Petitioner's eligibility for FAP benefits relating to her [REDACTED] 2018 application based upon a group size of two;
2. If Petitioner was eligible for supplements; issue FAP supplements that Petitioner was eligible to receive but did not; and

3. Notify Petitioner in writing of its decision.

JAM/tlf



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) 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

Via Email:

[REDACTED]

Petitioner – Via First-Class Mail:

[REDACTED]