


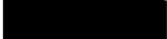
STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Claimant,

Reg No: 2009-10013
Issue No: 6021, 3003
Case No: 
Load No: 
Hearing Date:
May 6, 2009
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on May 6, 2009. The Claimant appeared and testified. Joyce Bacalis, FIM and Mary Janulis, ES appeared on behalf of the Department.

ISSUE

Whether the Department properly recalculated Claimant's Food Assistance Program (FAP) and Child Development and Care (CDC) benefits from March 2008 – October 2008 pursuant to 12/15/08 Order.

FINDINGS OF FACT

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

1. The Claimant was a recipient of Child Care Assistance (CDC) and FAP.

2. A hearing was held on December 3, 2008 upon Claimant's hearing request to determine whether the Claimant's FAP and CDC were properly calculated.

3. An order was signed on December 15, 2008 by Judge Bennane ordering the Department to recalculate the Claimant's FAP and CDC benefits retroactive to March 1, 2008. (Exhibit 2, p. 8-10).

4. The Department recalculated Claimant's benefits from March of 2008 through October of 2008 when Claimant's benefits were terminated resulting in a supplemental payment to Claimant in the amount of \$223.00. (Exhibit 1, p. 44).

5. Claimant has a group size of four (4).

6. Claimant testified that she was also working at [REDACTED]. (Exhibit 1, pp. 10-11, 30).

7. Claimant testified that the gross pay amounts, based on verification that she provided, were accurate.

8. Claimant testified that she paid rent in the amount of \$659.00/month beginning 7/1/08 and is also responsible for electric, water, and telephone.

9. Claimant testified that she was working 25-30 hours per week at [REDACTED]. There is verification of same in the file. Exhibit 1, p. 12).

10. Claimant objected to the FAP and CDC recalculation and filed this appeal. The Department received the Claimant's Request for Hearing on January 6, 2009.

CONCLUSIONS OF LAW

The Child Development and Care program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented

by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department of Human Services (formerly known as the Family Independence Agency) provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are contained in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The Food Assistance Program, formerly known as the Food Stamp (FS) program, is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS), formally known as the Family Independence Agency, administers the FAP program pursuant to MCL 400.10, *et. seq.* and MAC R 400.3001-3015. Departmental policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM), and the Program Reference Manual (PRM).

All monthly income must be converted to a nonfluctuating monthly amount. Only 80% of earned income is counted in determining FAP benefits. PEM 550. Under 7 CFR 273.9, as amended, \$134.00 is deducted from the gross income of FAP recipients in determining FAP grants. Under 7 CFR 273.9 deductions for excess shelter are also made. PEM 554. Household groups that do not have a Senior/Disabled veteran (SDV) member are given a standard deduction of \$35.00/month for medical expenses. Id. There is a standard heat and utility deduction as well as a standard deduction for telephone bills. Id. The standard deductions are a set amount that is applied regardless of the actual expenses incurred by the Claimant.

In the subject case FAP budgets, the Department utilized \$215.00 of earned income calculated from two weeks pay at \$150.00 each. In April 2008, the Department recalculated the Claimant's correct income amount to be \$322/month. In July 2008, the Claimant's earned income

increased based on actual pay received. Claimant's group also received \$1567.00 of monthly unearned income from SSA benefits. As a result of the increase in pay in July of 2008, Claimant's group income for the months of July–October 2008 was over the income limits of \$2,238.00 per month for a group size of four people. RFT 250. Therefore, Claimant did not qualify for FAP benefits from July–October 2008.

Furthermore, the income limits for CDC benefits in 2008 was \$2198 for a group size of four. Therefore, Claimant would not have qualified for CDC benefits after July 2008. Prior to July, Claimant testified that she was working 25-30 hours per week which was the amount of child care hours that were paid. Accordingly, the CDC recalculation is also affirmed.

Pursuant to the above regulations regarding calculation of FAP benefits, the undersigned finds that the Department properly recalculated FAP and CDC benefits for the months of March 2008–October 2008.

It is found that the Department's determination is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department properly recalculated Claimant's CDC and FAP benefits for the months of March 2008–October 2008 pursuant to a 12/15/08 Order.

Accordingly, the Department's FAP and CDC recalculation is AFFIRMED.

/s/
Jeanne M. VanderHeide
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 05/15/09

Date Mailed: 05/19/09

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

JV/dj

cc:

