

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

Reg. No: 2009-32042
Issue No: 2001; 3002
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 9, 2009
Ottawa County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a telephone hearing was held on September 9, 2009. Claimant personally appeared and testified.

ISSUE

Did the department correctly take action to terminate claimant's Adult Medical Program (AMP) benefits and reduce his Food Assistance Program (FAP) benefits in July, 2009?

FINDINGS OF FACT

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

1. Claimant was an AMP and FAP benefit recipient when he began receiving earned income on May 29, 2009.

2. Department then computed new AMP and FAP budgets counting claimant's employment income. The budgets resulted in a finding of excess income for AMP and decrease in FAP benefits.

3. Department notified the claimant of AMP closure and FAP benefit decrease with the effective date of July 20, 2009. Claimant requested a hearing on July 13, 2009 and continues to receive AMP and FAP benefits pending the outcome of this hearing.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (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 or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The Adult Medical Program (AMP) is established by Title XXI of the Social Security Act; (1115)(a)(1) of the Social Security Act, and is administered by the Department of Human Services (DHS or department) pursuant to MCL 400.10, *et seq.* Department policies are contained in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Department's budgets and claimant's income and expenses used in July, 2009 computation of AMP and FAP budgets were discussed with the claimant. Claimant states all of the figures are correct, but that he is now getting less income from his employment as of last week. Claimant also stated that he needs AMP for mental health medications.

In conclusion, department did correctly take action to terminate claimant's AMP benefits in July, 2009 due to excess income, and also to reduce his FAP benefits. Department's representative indicates that the department may be willing to compute another AMP budget (considering that AMP continues as a result of the hearing request) for the claimant if he provides verification of reduced income, and that is an action that will be up to department's discretion.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly took action to terminate claimant's AMP benefits and reduce his FAP benefits in July, 2009.

Accordingly, department's action is AFFIRMED, and it is SO ORDERED.

/s/ _____
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 28, 2009

Date Mailed: September 29, 2009

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 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt 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.

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cc:

[REDACTED]