

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: 2009-4552

Issue No: 6019, 3015

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.

ISSUES

Whether the Department properly closed the Claimant's Child Development and Care ("CDC") case based on excess income.

Whether the Department properly closed the Claimant's Food Assistance Program ("FAP") benefits based on excess income.

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. An annual review was processed in 10/2008.

3. Claimant has a group size of four (4).
4. Claimant receives \$756.00/month for RSDI and her three minor children each receive \$118.00/month in RSDI. Claimant's 17 year old son, also receives SSI in the amount of \$454.00. (Exhibit 1, pp. 18-19, 21-26).
5. Claimant testified that she was also working at [REDACTED]. (Exhibit 1, pp. 10-11, 30).
6. Claimant testified that the gross pay amounts, based on verification that she provided, were accurate.
7. Claimant testified that she pays rent in the amount of \$659.00/month and is also responsible for electric, water, and telephone.
8. The Department terminated FAP and CDC benefits on 10/31/08 due to excess income. (Exhibit 1, p. 27 and Exhibit 2, p. 7).
9. Claimant objected to the FAP and CDC denial and filed this appeal. The Department received the Claimant's Request for Hearing on November 3, 2008.

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, \$135.00 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 present case, according to the aforementioned policy on budgeting for the 1/3/09 budget, Claimant’s group had a net monthly gross income of \$2,942.00 from the following sources:

██████████	earned income.....	\$1,378.70/month
██████████	RSDI.....	\$756.00/month
██████████	RSDI.....	\$118.00/month
██████████	SSI.....	\$454.00/month
██████████	RSDI.....	\$118.00/month
██████████	RSDI.....	\$118.00/month

As a result, Claimant's group income is over the income limits of \$2,297.00 per month for a group size of four people. RFT 250. Therefore, Claimant does not qualify for FAP benefits.

Although the Claimant believed she is eligible for FAP benefits, the Claimant did not disagree with the earnings used to calculate her eligibility. The Department established that it acted in accordance with departmental policy in determining the Claimant's FAP denial effective 10/31/08. Accordingly, the Department's FAP denial was correct.

Furthermore, there is no CDC assistance provided if the monthly gross income is over \$2,367.00. RFT 270. In this case, Claimant's total gross income is \$2,942.00 which is over the income limits. The Department established that it acted in accordance with departmental policy in determining the Claimant's CDC denial effective 10/31/08. Accordingly, the Department's CDC denial was correct.

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 closed the Claimant's CDC and FAP cases.

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

/s/

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

Date Signed: 05/13/09_____

Date Mailed: 05/14/09_____

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:

