

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: 2010-2972
Issue No: 3002
Case No: ██████████
Load No: ██████████
Hearing Date:
February 18, 2010
Kent County DHS

ADMINISTRATIVE LAW JUDGE: Steven M. Brown

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 conducted from ██████████ on February 18, 2010.

ISSUE

Whether the Department properly computed Claimant's Food Assistance Program (FAP), Medical Assistance (MA) and Child Development and Care (CDC) eligibility?

FINDINGS OF FACT

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

- (1) Claimant was a FAP, MA and CDC recipient.
- (2) On September 23, 2009, the Department received Claimant's Semi-Annual Contact Report. Claimant indicated on the form that she had a change in housing

expenses because she moved, but she did not indicate the amount of her new rent or provide any verification of it. (Exhibit 9)

(3) On September 30, 2009, the Department sent Claimant a Shelter Verification with a due date of October 12, 2009. (Exhibit 1)

(4) Claimant sent the Shelter Verification to her landlord and was informed by her landlord that it was sent back to the Department a day or two after the due date.

(5) September 30, 2009, the Department completed a FAP budget which included earned and unearned income and the heat/electric standard deduction and resulted in a monthly FAP allotment of [REDACTED] (Exhibits 2-4)

(6) The Department completed CDC and MA budgets based on Claimant's earned and unearned income which resulted in excess income for CDC and a MA – Deductible [REDACTED]. (Exhibits 5-8)

(7) On September 30, 2009, the Department sent Claimant a Notice of Case Action which informed Claimant that her CDC closed, that she was approved for MA – Deductible [REDACTED] and that her FAP monthly allotment had decreased to [REDACTED] (Exhibit 10)

(8) On October 6, 2009, the Department received Claimant's hearing request.

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. Departmental policies are

found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Bridges Reference Manual (BRM).

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

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 (DHS or department) 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).

For FAP purposes, all earned and unearned income available to the Claimant is countable. Earned income means income received from another person or organization or from self-employment for duties that were performed for remuneration or profit.

Unearned income means ALL income that is not earned and includes FIP, RSDI, SSI and UB. The amount counted may be more than the client actually receives because the gross amount is used prior to any deductions. BEM 500

The Department determines a client's eligibility for program benefits based on the client's actual income and/or prospective income. Actual income is income that was already received. Prospective income is income not yet received but expected.

Prospective budgeting is the best estimate of the client's future income. BEM 505

All income is converted to a standard monthly amount. If the client is paid weekly, the Department multiplies the average weekly amount by 4.3. If the client is paid every other week, the Department multiplies the average bi-weekly amount by 2.15.

BEM 505

In the instant case, the Department used the correct earned and unearned income for Claimant. It did not budget Claimant's rent because she informed the Department that she was moving, but did not inform the Department what her rent was going to be and/or provide any verification. With that said, based on the testimony and documentation offered at and after hearing, I find that the Department established that it acted in accordance with policy in computing Claimant's FAP, MA and CDC eligibility.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department acted in accordance with policy in computing Claimant's FAP, MA and CDC eligibility.

Accordingly, the Department's FAP, MA and CDC eligibility determination(s) are AFFIRMED, it is SO ORDERED.

/s/

Steven M. Brown
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 2, 2010

Date Mailed: March 2, 2010

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.

SMB/db

cc:

