

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201033985
Issue No.: 2000; 3000
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: July 26, 2010
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne 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 on July 26, 2010 from Detroit, Michigan. The Claimant appeared and testified along with her daughter, [REDACTED]. [REDACTED], ES, appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant Medical Assistance ("MA") and Food Assistance ("FAP") benefits due to 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 applied for FAP benefits on 9/30/09 and MA benefits on 9/1/10.
2. The Department denied benefits based on the income of the three individuals in the household. Exhibits 1 and 2.
3. Claimant filed this appeal contesting the FAP and MA denials. The Department received the Claimant's Request for Hearing on January 27, 2010. The hearing request referenced "food assistance and case worker actions."

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4. Claimant testified that there is no longer an issue with the MA benefits. Therefore, MA was not addressed in this hearing.
5. Claimant testified that her son is now receiving FAP benefits on his own based only on his income. Claimant's FAP issue was solely regarding Claimant's son's FAP case.
6. Claimant was not listed as an authorized representative for her son. Nor did she have any authority as a hearing representative.

CONCLUSIONS OF LAW

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 Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Reference Tables ("RFT").

All clients have the right to request a hearing. The following people have authority to exercise this right by signing a hearing request:

- An adult member of the eligible group; **or**
- The client's AHR.

The appointment of an AHR must be made in writing. An AHR must be authorized or have made application through probate court **before** signing a hearing request for the client. BAM 600, p. 2.

In the present case, the Claimant testified that there was no existing issue regarding MA benefits. Furthermore, Claimant filed a hearing in her name regarding FAP benefits but she really was contesting benefits that were issued in her son's name after her son began receiving benefits in his own name. Unless Claimant is listed as an authorized representative, a guardian or conservator or spouse, Claimant's son must file his own hearing request contesting the amount of benefits that he is receiving in his own name.

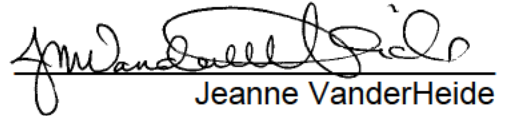
Accordingly, there are no issues raised in the hearing request properly before this Administrative Law Judge and Claimant's hearing request is dismissed.

DECISION AND ORDER

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The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Claimant does not have any outstanding issues or negative actions regarding her group's MA or FAP benefits. Accordingly, this hearing request is dismissed with prejudice.

/s/


Jeanne VanderHeide
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: July 30, 2010

Date Mailed: July 30, 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.

JV/hw

cc:

