

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

IN THE MATTER OF:



Reg. No: 2010-40570
Issue No: 1015-3003-
6019
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 15, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 hearing was held on September 15, 2010. Claimant appeared and testified.

ISSUE

Did the Department properly figure Claimant's Family Independence Program (FIP) and Food Assistance Program (FAP) benefits? Did the Department properly activate Child Daycare benefit period?

FINDINGS OF FACT

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

1. On May 1, 2010, the Claimant's benefits were impacted by new budgets completed based upon prospective employment. This caused benefits to decrease.
2. On June 18, 2010, the Claimant requested a hearing.

CONCLUSIONS OF LAW

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, et seq. The Department of Human Services (DHS or Department) administers the FIP program pursuant to MCL 400.10, et seq, and MAC R 400.3101-

3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

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 (formerly known as the Family Independence Agency) 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 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).

In the present case, the Claimant disputed the amount of her FAP benefits and FIP benefits. The Claimant also disputes the authorization period for her CDC. During the hearing, the Department acknowledged the Claimant's CDC benefits should have been authorized for June 6, 2010 through June 19, 2010. The Department agreed to activate the CDC for this period. The Claimant agreed to this action being taken.

The Claimant also disputed the amount of her FIP benefits. After going over the supplements issued and the calculations the Claimant and her representative agreed the benefits issued in regards to FIP were in fact correct.

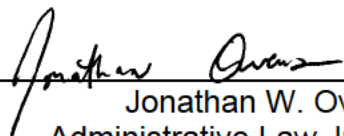
The FAP benefits budgeted for the Claimant appears to be incorrect. The Department based there calculations on information received from the MRS program. These amounts were based on an offer from an employee. The Department projected this income and this reduced the benefits awarded to the Claimant. However, the Claimant maintains she never worked the number of hours indicated. The evidence supports this assertion. The amounts projected were based not on employment verification but on the MRS information.

The Department acknowledges the FAP budget is not correct and, during the hearing, stated the Department needed to go back and recalculate the FAP budget. The Department agreed to reprocess the budget using actual income for the month of May 2010 and supplement the Claimant, if under issuance had occurred. The Claimant agreed to this occurring.

DECISION AND ORDER

Based on the above this Administrative Law Judge finds the following:

1. The Department SHALL authorize CDC for the period of June 6, 2010 through June 19, 2010.
2. The Department SHALL recalculate the FAP budget using actual income for the month of May 2010 and supplement the Claimant for any loss in benefit.
3. The issue regarding FIP is, hereby, DISMISSED as the Claimant now agrees with the Department's Calculation.



Jonathan W. Owens
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 10/04/10

Date Mailed: 10/04/10

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.

JWO/dj

cc:

[REDACTED]