

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.: 2010-20834
Issue No.: 2000/3003
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
June 23, 2010
Wayne County DHS (43)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 Detroit, Michigan on June 23, 2010. Claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

ISSUE

1. Whether the undersigned has jurisdiction to change Claimant's assigned case worker.
2. Whether Claimant timely objected to a denial of Medical Assistance benefits.
3. Whether DHS properly excluded Claimant's rent and child support expenses in calculating Claimant's eligibility for Food Assistance Program (FAP) benefits.

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 applied for FAP and MA benefits on 2/6/09.
2. DHS denied Claimant MA benefits in 2/2009 or 3/2009.

3. DHS approved Claimant's eligibility for FAP benefits.
4. Claimant returned a Redetermination (DHS-1010) on 1/7/10 and did not report any changes in housing or child support expenses.
5. Claimant never reported any child support or housing expenses to DHS.
6. On 1/16/10 DHS mailed Claimant a notice that Claimant was eligible for \$16/month in FAP benefits beginning 2/1/10.
7. Claimant submitted a hearing request on 2/1/10 regarding: changing her case worker, the denial of MA benefits and the exclusion of her rent and child support expenses in calculation of her FAP benefits.

CONCLUSIONS OF LAW

The Food Assistance Program (formerly known as the Food Stamp 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

Claimant was very persistent about wanting to change DHS specialists. Claimant did not specifically explain why she wanted the change, only that she wanted one. BAM 600 lists the circumstances and issues for which a hearing may be granted. Those issues are limited to: denial of an application and/or supplemental payments, reduction in the amount of program benefits or service, suspension or termination of program benefits or service, restrictions under which benefits or services are provided or delay of any action beyond standards of promptness. BAM

600 at 3. The undersigned has no jurisdiction to consider Claimant's request to change her assigned case worker.

Claimant also contends she is entitled to Medical Assistance benefits. Claimant applied for MA and FAP benefits on 2/6/2009. DHS credibly testified that this was Claimant's most recent denial for MA benefits. DHS also credibly testified that Claimant was denied shortly after the 2/6/09 request for MA. Clients have 90 calendar days from the date of the written notice of case action to request a hearing. BAM 600 at 4. Claimant's hearing request was submitted 2/1/10. It is found that Claimant failed to timely appeal her denial for MA benefits and her hearing request concerning MA benefits is appropriately dismissed.

Lastly, Claimant contended that DHS failed to consider Claimant's child support and housing expenses in calculating Claimant's FAP benefits. DHS responded that Claimant never reported such expenses. The most recent reporting record on file is a Redetermination (DHS-1010) returned by Claimant on 1/7/10.

DHS uses the DHS-1010 to redetermine benefits for a future benefit period before the current benefit period expires. BAM 210 at 7. Clients use the DHS-1010 to report income, expenses and changes in their circumstances so that DHS may verify and factor those changes in a client's eligibility for benefits.

The DHS-1010 submitted by Claimant did not report any housing or child support expense changes. DHS credibly testified that Claimant did not otherwise report these expenses. It is found that DHS properly excluded Claimant's housing and child support expenses due to Claimant's failure to report the expenses.

DECISION AND ORDER

Claimant's request for hearing is partially DISMISSED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that Claimant's request to change DHS specialists is outside the jurisdiction of the undersigned. Claimant's hearing request concerning the MA denial is found to have exceeded the timeframe for Claimant to request a hearing.

The actions taken by DHS are otherwise AFFIRMED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly calculated Claimant's FAP benefits including excluding Claimant's child support and housing expenses due to Claimant's failure to report the expenses.



Christian Gardocki
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 6/29/2010

Date Mailed: 6/29/2010

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.

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cc:

