

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.: 2010-24586

Issue No.: 3003/6019

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

May 26, 2010

Macomb County DHS (12)

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 the Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on May 26, 2010. Claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Manager, appeared and testified.

ISSUE

1. Whether Claimant timely raised the issue of a 3/2009 Child and Development Care redetermination denial.
2. Whether DHS properly calculated Claimant's Food Assistance Program benefits, specifically, whether Claimant's Unemployment Compensation income was correctly budgeted and whether DHS properly omitted Claimant's reported rent obligation.

FINDINGS OF FACT

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

1. As of 2/2010, Claimant was an ongoing Food Assistance Program (FAP) recipient.
2. Claimant receives \$602/2 weeks in gross Unemployment Compensation income; \$50 of the \$602 was income from the [REDACTED]
3. Claimant paid monthly rent of \$63/month until 4/2010.
4. DHS requested verification of Claimant's rent but Claimant did not verify her rent amount.
5. DHS calculated Claimant's FAP benefits without crediting Claimant for a rent obligation.
6. DHS calculated Claimant's gross budgetable income by multiplying Claimant's biweekly income by 2.15.
7. As part of a Child and Development Care (CDC) redetermination, Claimant submitted a CDC application in 2/2009.
8. In 3/2009, DHS denied Claimant's 2/2009 CDC application due to Claimant lacking a valid need reason for CDC.
9. Claimant submitted a hearing request on 2/28/10 regarding the calculation of her FAP benefits and DHS' failure to process a 3/2009 CDC application.

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).

When Claimant submitted the hearing request, Claimant's only specific concern was that DHS was budgeting UC income which Claimant was not receiving. Claimant eventually conceded that she received the UC income and claimed that she was confused by documents from Michigan Unemployment Agency which indicated she might not receive the income because she was terminated from her employment. Claimant also claimed that her UC income was issued to a benefit card that Claimant did not know about at the time of her hearing request; thus, Claimant testified that she was unaware she was receiving the income. This issue is resolved as Claimant now concedes receiving the UC income.

Claimant also claimed DHS neglected to budget a rental obligation in calculating her FAP benefits. Policy directs DHS specialists, "Verify shelter expenses at application and when a change is reported." BEM 554 at 11. DHS credibly testified that Claimant failed to verify her rental expense despite requests for the verification. It is found that DHS properly omitted Claimant's rental obligation due to Claimant's failure to verify her rent. Claimant may report and verify her rental obligation at any time to begin the process of having her FAP benefits adjusted.

Claimant questioned the amount of income DHS budgeted for her FAP benefits. Claimant argued that DHS is budgeting more than twice her biweekly UC income in calculating her FAP benefits. DHS must convert a client's biweekly income to a standard monthly amount. BEM 505 at 6. Income received every two weeks is multiplied by 2.15 to convert the checks into a standard monthly amount. *Id.* The conversion is necessary to take into consideration fluctuations in months due to the number of scheduled pays. *Id.* at 7. Claimant agreed that her income was budgeted correctly based on the above policy.

Lastly, Claimant contended that she submitted a 3/2009 application for CDC benefits that should have been processed. DHS testified that Claimant's 3/2009 application was processed as

part of a denied redetermination from 2/2009 and the redetermination was denied because Claimant lacked a valid need reason for the CDC benefits. Each parent/substitute parent of the child needing care must have a valid need reason during the time child care is requested. BEM 703 at 3.

Claimant submitted the hearing request regarding the denied CDC redetermination on 2/28/10. DHS denied Claimant's CDC redetermination in 3/2009. Claimant has 90 calendar days from the date of the written notice of case action to request a hearing. BAM 600 at 4. It is found that Claimant did not timely appeal the denial of her CDC redetermination.

DECISION AND ORDER

The actions taken by DHS are 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.

Claimant's request for hearing concerning denial of her 3/2009 CDC redetermination is DISMISSED due to Claimant's failure to timely appeal the denial.



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

Date Signed: 6/7/2010

Date Mailed: 6/7/2010

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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