

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: 2010-46035
Issue No: 2001; 3002
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 14, 2009
Otsego County DHS

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 claimant's request for a hearing. After due notice, a telephone hearing was held on 9/14/09. Claimant was represented at the Administrative Hearing by [REDACTED]

ISSUE

Did the DHS properly close claimant's AMP and reduced claimant's FAP benefits due to claimant beginning earned 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) At all relevant times prior to the negative action herein, claimant was an AMP and FAP recipient in the amount of \$200 per month.

(2) On 3/17/10, the DHS received a 2240 and a 38 indicating changes regarding a change in residence and a part-time job start.

(3) On 3/18/10, DHS mailed a 3503 and 38 requesting verification.

(4) On 4/6/10, the DHS received the verifications back from the employer showing claimant working 30 hours per week at \$7.40 per hour and rent at \$450 per month.

(5) The department budgeted the information received. Claimant's AMP showed ineligibility due to excess income. Claimant's FAP benefits showed a decrease from \$200 to \$148.

(6) On 4/8/10, the DHS issued notices to claimant informing her of the AMP closure and FAP reduction.

(7) On 5/14/10, claimant requested a hearing.

(8) The actions took place.

(9) Claimant's expenses exceed her income.

CONCLUSIONS OF LAW

The Adult Medical Program (AMP) is established by Title XXI of the Social Security Act; (1115) (a) (1) of the Social Security Act, and is administered by the Department of Human Services (DHS or department) pursuant to MCL 400.10, *et seq.* Department policies are contained 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 (DHS or department) 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).

Applicable policy and procedure to the case herein regarding AMP is found primarily in BEM Item 544. FAP program policy is found primarily in BEM Items 500 and 550.

In budgeting eligibility, under BEM Item 500, the department is required to count the gross amount.

The verification in this case indicated claimant's gross income to be 30 hours per week at \$7.40 per hour. The department budgeted this amount pursuant to the verification received. Claimant's rent also changed to \$450 per month. The department budgeted this amount where appropriate in order to determine eligibility.

Claimant did not dispute the budgeted items used at the time of the negative actions herein. A review of the budgets indicates that the department correctly applied its policy and procedure in calculating claimant's eligibility with regards to these welfare programs.

Claimant understands that if she has had a reduction in hours, claimant may submit proper verifications and have her benefits reassessed.

Claimant requested the undersigned Administrative Law Judge make an exception on her behalf due to her extraordinary expenses and met medication needs. However, this ALJ has no such power to make exceptions on behalf of any individuals at Administrative Hearings where there would not be eligibility otherwise pursuant to federal and state law as well as department policy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the department's actions were correct.

Accordingly, the department's actions are herein UPHELD.

/s/
Janice Spodarek
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 29, 2010

Date Mailed: September 29, 2010

JSG/vc

cc:

