

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.: 2010-5251
Issue No.: 3002, 6021
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
April 28, 2010
Wayne County DHS (82)

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 held on April 28, 2010. Claimant appeared at the hearing and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Was the Department of Human Services ("Department") correct in determining Claimant's Food Assistance Program ("FAP") benefits and has the Department properly determined Claimant's Child Day Care benefit?

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 was an ongoing recipient of FAP and Child Day Care benefits.

2. The Department agreed to reissue checks in the amounts of \$1556.54 and \$327.80 for payment to Claimant's child care provider.
3. Claimant's FAP benefits were reduced to \$11 per month and Child Day Care benefits were closed on December 16, 2010.
4. Income from [REDACTED] was budgeted when the determination was made to reduce Claimant's FAP benefits and close Child Day Care benefit.
5. Claimant stopped working at [REDACTED] in October of 2009.
6. Claimant provided verification of stopped employment for [REDACTED] [REDACTED] in October of 2009 and again in January of 2010.
7. Claimant requested a hearing on October 20, 2009, and on January 28, 2010, contesting the determination of FAP and Child Day Care benefits.

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" or "Department"), formerly 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 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 Bridges Administrative Manual (“BAM”), the Bridges Eligibility Manual (“PEM”) and the Program Reference Manual (“PRM”).

Under Bridges Administrative Manual Item 600, clients have the right to contest any Department decision affecting eligibility or benefit levels whenever they believe the decision is illegal. The Department provides an Administrative Hearing to review the decision and determine if it is appropriate. Department policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the claimant’s concerns start when the Department receives a hearing request and continues through the day of the hearing.


In the present case, the parties reached an agreement whereby the Department agreed to reissue two checks for Claimant’s Child Day Care provider in the amounts of \$1556.54 and \$327.80 for payments owed from 2009.

On December 16, 2009, the Department determined that Claimant’s Child Day Care would close and her FAP would be reduced due to an increase in income. The Department budgeted employment income from [REDACTED] and [REDACTED]. Claimant credibly testified at hearing that her employment at Mug Shot Bar and Grill ended in October 2009 and that she verified this in October 2009 by dropping off a form at the front desk and again in January 2010 by hand delivering a form to her case worker. The Department could not locate these documents, but this Administrative Law Judge was satisfied with the testimony presented by Claimant. Claimant was far better organized than the Department at hearing. Therefore, the closure of Child Day Care benefits and reduction of FAP was improper.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department improperly calculated Claimant's FAP benefits and improperly closed Claimant's Child Day Care benefit, and it is ORDERED that the Department's decision in this regard be and is hereby REVERSED. Claimant's FAP benefits shall be re-budgeted going back to the date of reduction removing income from the [REDACTED]. Any increase in benefit shall be paid to Claimant in the form of a supplement. Claimant's Child Day Care benefit shall be reinstated and re-budgeted going back to the date of closure removing income from the [REDACTED].

Pursuant to an agreement reached by the parties, checks in the amount of \$1556.54 and \$327.80 shall be reissued for Claimant's Child Day Care provider.



Aaron McClintic
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: May 11, 2010

Date Mailed: May 12, 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.

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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.

AM/pf

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