

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: 2010-55490
Issue No: 2001, 3008, 4013
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 27, 2010
St. Clair County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 October 27, 2010. Claimant personally appeared and testified.

ISSUE

Did the department correctly took action to terminate claimant's State Disability Assistance (SDA), Adult Medical Program (AMP), and Food Assistance Program (FAP) benefits effective October 1, 2010?

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 a SDA, AMP and FAP recipient when he sent a fax to the department on July 25, 2010 reporting the start of part time employment. (Department's Exhibit #7).

2. Claimant's fax included number of hours per week (20) and employer's name, but no rate of pay. Claimant's caseworker attempted to contact him by telephone with no response.

3. On August 13, 2010 department mailed the claimant a Verification Checklist with a due date of August 23, 2010. The Checklist specifically stated " Your fax did not include the rate of pay, paid weekly, bi weekly or monthly and what day of the week. Please provide copies of all paystubs since starting work". (Department's Exhibit #6).

4. Checklist also advised the claimant that he must provide requested information by the due date or his benefits may be denied, decreased or cancelled.

5. On August 23, 2010 claimant faxed a copy of an August 13, 2010 pay stub listing 40 hours and the gross amount of pay for these hours. The pay stub did not include the period of time that the claimant was being paid for (i.e. week, two weeks, etc.).

6. On September 2, 2010 claimant also faxed a statement saying he works 20 hours per week at \$7.40 per hour.

6. Department took action to terminate claimant's SDA, AMP and FAP benefits effective October 1, 2010. Claimant requested a hearing on September 2, 2010, but his benefits appear to have terminated on October 1, 2010.

CONCLUSIONS OF LAW

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (DHS or department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (RFT).

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (RFT).

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (RFT).

Any income received by recipients of SDA, AMP and FAP benefits must be taken into consideration when determining eligibility for these programs. BEM, 500 series. Such income also must be verified either by pay stubs, Verification of Employment form, or other computer matching available to the department, if the employer can be found on such matching. BAM 130. Claimant stated at the hearing that he did not read the part of the Verification Checklist that specified that he needed to provide copies of all paystubs since starting work, and thought that his faxed written explanation that he works 20 hours per week at \$7.40 per hour was sufficient. Department's representative stated that the claimant's employer could not be found through department's computer matching. Department's representative then obtained claimant's case record and a budget was figured out for SDA and AMP eligibility with 20 hours of employment per week at \$7.40 per hour. Claimant has excess income for these programs even with only 20

hours of employment. Claimant stated that he understands SDA and AMP budgeting, and also why the department found his documentation of employment insufficient. Claimant is no longer working and will return to Michigan Rehabilitation Services today to hopefully re-start his case with them, which will enable him to receive SDA again based on being a client of this organization. Claimant will also re-apply for SDA, AMP and FAP today.

It is noted that the department's representative stated she would check into whether the claimant's case closed incorrectly, instead of being continued during the pendency of the hearing, as the claimant did request a hearing in a timely manner and prior to case closure.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly took action to terminate claimant's SDA, AMP and FAP benefits effective October 1, 2010.

Accordingly, department's action is AFFIRMED, and it is SO ORDERED.

/s/ _____
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 28, 2010

Date Mailed: October 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 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.

IR/tg

cc:

