

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: 2010-7902
Issue No: 3015; 6019
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
February 9, 2010
Jackson County DHS

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

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 February 9, 2010. Claimant personally appeared and testified.

ISSUE

Did the Department of Human Services (the department) properly determine that claimant had excess income for purposes of Food Assistance Program (FAP) benefits and Child Development and Care Program (CDC) 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 Food Assistance Program benefits on September 24, 2009.
- (2) Claimant also had an October 2009 review on his CDC case.

(3) FAP and CDC budgets were run on October 26, 2009.

(4) The caseworker determined that claimant had excess income for both CDC and FAP.

(5) The FAP was denied and the CDC case was closed.

(6) On October 26, 2009, the department caseworker sent claimant notice that his application was denied and his CDC case was scheduled to close.

(7) On November 9, 2009, claimant filed a request for a hearing to contest the department's negative action.

(8) The department caseworker conceded on the record that she erred in her calculations.

CONCLUSIONS OF LAW

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).

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 (DHS or department) provides services to adults and children pursuant to MCL

400.14(1) and MAC R 400.5001-5015. Department policies are contained in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The department caseworker testified on the record that she erred in making the calculations for both the Food Assistance Program and the Child Development and Care Program budgeting. Therefore, the department has not established by the necessary, competent, material, and substantial evidence on the record that it was acting in compliance with department policy when it determined that claimant was no longer eligible for Child Development and Care Program benefits and when it determined that claimant had excess income for purposes of Food Assistance Program benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department conceded on the record that it was not in compliance with department policy when it made its determination that claimant had excess income for purposes of Food Assistance Program and Child Development and Care Program benefits. The department conceded on the record that it used improper calculations.

Accordingly, the department's decision is REVERSED. The department is ORDERED to reinstate claimant's Food Assistance Program application and Child Development and Care Program benefits to the date of closure and to reassess claimant's eligibility for the aforementioned benefits by using the appropriate calculations in conjunction with department policy. The department shall then notify claimant in writing of his eligibility, or lack thereof, based upon the appropriate department policy. If the department determines that claimant is

otherwise eligible for Food Assistance Program and Child Development and Care Program benefits, the department shall pay to claimant any benefits to which he is entitled.

/s/ _____
Landis Y. Lain
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: February 22, 2010

Date Mailed: February 23, 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.

LYL/vmc

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