

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

██████████,

Claimant

Reg No: 20109867

Issue No: 3000, 6019

Case No:

Load No:

Hearing Date:

January 7, 2010

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

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 hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on January 7, 2010. The Claimant was present and testified. Stephanie Avery, ES and Ursula Barrett, FIM, appeared on behalf of the Department.

ISSUE

Whether the Department properly calculated Claimant's Food Assistance Program ("FAP") benefits?

Whether the Department properly denied Claimant CDC benefits based on gross income limits effective 10/16/09?

FINDINGS OF FACT

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

1. Claimant applied for FAP and CDC assistance on 8/17/09.

2. Claimant was denied CDC benefits based on excess income effective 10/16/09.
3. The Claimant testified that the wage verifications upon which the Department based its decision are accurate, including pay stubs as follows:
 - a. 7/23/09 - \$639.49
 - b. 7/30/09 – \$654.66
 - c. 8/6/09 – \$674.96
 - d. 8/13/09 - \$654.19(Exhibit 1a&b).
4. Claimant was awarded FAP benefits in the amount of \$36.00 per month.
5. The FAP budget did not include any utility costs.
6. The Department received Claimant’s request for a hearing on November 10, 2009 regarding CDC and FAP benefits.
7. At the hearing, the Department agreed to recalculate Claimant’s FAP budget to include utility costs retroactive to the date of application.
8. As a result of this agreement, Claimant indicated that he no longer wished to proceed with a full hearing and decision regarding FAP benefits.

CONCLUSIONS OF LAW

A. FAP Settlement

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 (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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

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

In the present case the department has agreed to recalculate Claimant's FAP benefits to include utility costs from the date of application. As a result of this agreement, Claimant indicated he no longer wished to proceed with the hearing. Since the Claimant and the Department have come to an agreement it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case.

B. CDC

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 Program Administrative

Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

CDC program groups in the income eligible group must have gross income that falls within the income scale below to be eligible to receive department payment for the full or partial cost of covered child care needs up to 95% of the department's maximum rates. The income limit for CDC benefits for a group size of five (4) is \$2,198.00 per month. RFT 270. Since Claimant's monthly income is in excess of that, at \$2834.00 per month, Claimant does not qualify for CDC benefits.

Accordingly, based on the above finds of fact and conclusions of law, the Administrative Law Judge finds that the Department properly denied Claimant FAP and CDC benefits as Claimant's group was over income.

DECISION AND ORDER

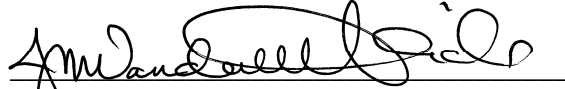
The Administrative Law Judge, based upon the findings of fact and conclusions of law, finds that the Department and Claimant have come to a settlement regarding claimant's request for a hearing.

Accordingly it is ORDERED:

1. The Department shall reprocess and recalculate Claimant's FAP case from the date of application to include utility costs.
2. The Department shall supplement the Claimant for any lost benefits he was otherwise entitled to receive.

Furthermore, the Administrative Law Judge, based upon the findings of fact and

conclusions of law, finds that the Department's CDC denial for excess income effective 10/16/09 is AFFIRMED.



Jeanne M. VanderHeide
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 03/02/10

Date Mailed: 03/05/10

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.

JV/hw

cc:

