

STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201123040  
Issue No.: 2001; 3000  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date: April 11, 2011  
County DHS

**ADMINISTRATIVE LAW JUDGE:** Susan C. Burke

**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 a hearing. After due notice, a telephone hearing was held on April 11, 2011. The Claimant appeared and testified. The Department was represented by [REDACTED] E.S. and [REDACTED] E.S.

**ISSUE**

Was the Department correct in closing Claimant's Adult Medical Program (AMP) case?

Was the Department correct in its calculation of Claimant's Food Assistance Program (FAP) grant?

**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 AMP and FAP benefits.
2. Claimant had unemployment income of \$968.00 per month.
3. Claimant had a child support obligation of \$250.50 per month.
4. The Department closed Claimant's AMP case due to excess income, and decreased Claimant's FAP grant.

5. Claimant requested a hearing on January 21, 2011.

### **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 (formerly known as the Family Independence Agency) 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 (PRM,) which includes the Reference Tables (RFT.)

The Food Assistance Program (FAP) 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 administers the FAP program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in BAM, BEM and PRM.

For AMP, BEM 640 dictates that income eligibility is met when the net income does not exceed the AMP income limit. BEM 640, p. 3. Certain deductions are taken for earnings and court-ordered support. BEM 640, p. 4. RFT 236 shows the AMP monthly income limit for an individual to be \$316.00.

In the present case, Claimant's gross monthly income from unemployment was \$968.00. Claimant paid child support in the amount of \$250.50. Claimant's net income was therefore \$718.00, and it exceeded the monthly income limit of \$316.00. The Department was therefore correct in its decision to close Claimant's AMP case.

The regulations governing hearings and appeals for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code. MAC R 400.901-.951. MAC R 400.903 reads, in part:

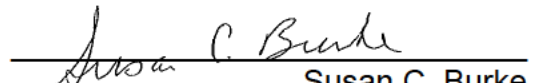
An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by a Department of Human Services [department] action resulting in suspension, reduction, discontinuance, or termination of assistance.

At the hearing, Claimant was satisfied with actions taken by the Department to increase his FAP allotment to \$200.00. Claimant no longer claimed to be aggrieved by a Department action with regard to FAP.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law finds that the Department's decision to close Claimant's AMP case was correct and it is ORDERED that the Department's decision is therefore AFFIRMED.

It is further ORDERED that Claimant's request for a hearing on the FAP grant is DISMISSED pursuant to MAC R 400.903, as Claimant is no longer claiming to be aggrieved by the Department's determination of his FAP grant.

  
Susan C. Burke  
Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

Date Signed: May 3, 2011

Date Mailed: May 3, 2011

**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 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.

SCB / hw

cc:

