

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

IN THE MATTER OF:



Reg. No.: 2011-32761  
Issue No.: 2000; 3002; 6019  
Case No.:   
Hearing Date: June 27, 2011  
Wayne 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 Claimant's request for a hearing. After due notice, a telephone hearing was held on June 27, 2011. Claimant appeared and testified. M ES and FIM, appeared on behalf of the Department of Human Services (Department or DHS.)

**ISSUE**

Was the Department correct in its decision to close Claimant's Child Development and Care (CDC) case for Claimant's daughter, Precious Lipscomb, due to excess income?

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

**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 was an ongoing Medical Assistance (MA), CDC, and FAP recipient.
- 2.) The Department closed Claimant's CDC case for one of Claimant's daughters.
- 3.) The Department decreased Claimant's FAP benefits to \$13.00, effective June 1, 2011.
- 4.) Claimant requested a hearing on May 4, 2011 regarding MA, CDC and FAP.

5.) At the hearing Claimant stated she is receiving MA and is no longer requesting a hearing on MA.

### **CONCLUSIONS OF LAW**

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 provides services to adults and children pursuant to MCL 400.14(1) and Michigan Administrative Code Rules R 400.5001-5015. 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, which includes the RFT.

RFT 270 dictates that no DHS assistance is granted for CDC if gross income is over \$2,746.00 for a group size of five.

In the present case, Claimant, who is in a group size of five, did not dispute the figures used by the Department which showed unearned income of \$2,777.52, consisting of Social Security, unemployment (figured at \$316.00 x 2.15, per BEM 505, p.7) and child support. The Department was therefore correct in its decision to close Claimant's CDC case for Claimant's daughter, as Claimant's income exceeded the limit of \$2,746.00. Claimant raised the issue that her daughter was deemed eligible by the Department prior to the Department's most recent action and Claimant was concerned about overissuance of benefits. Claimant was concerned about overissuance of benefits due to incorrect hours being put into the system as well. However, no action has been taken by the Department with respect to overissuance, so that issue is not before this Administrative Law Judge.

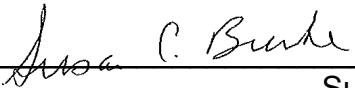
Claimant also raised the issue of improper budgeting of Claimant's FAP benefits. The Department did not proffer a FAP budget in to evidence. Without a FAP budget, it cannot be determined whether the Department was correct in its calculation of Claimant's FAP benefits. Therefore, the Department was incorrect in its calculation of Claimant's FAP benefits.

201132761/SCB

It is noted that Claimant requested a hearing on MA, but at the hearing, Claimant stated that she no longer requested a hearing on MA. It is also noted that Claimant raised the issue of unprofessionalism in the Department workers, but that issue is beyond the scope of this Administrative Law Judge's jurisdiction.

**DECISION AND ORDER**

The Administrative Law Judge, based on the above findings of fact and conclusions of law decides that the Department was correct in its decision to close Claimant's CDC case with respect to Claimant's daughter, but not correct in its calculation of Claimant's FAP benefits, and it is therefore ORDERED that the Department's decision is AFFIRMED in part and REVERSED in part. It is further ORDERED that the Department shall re-determine Claimant's FAP benefits, effective June 1, 2011, and if Claimant is found to be eligible, issue any missed or increased payments in the form of a supplement. Claimant may request a hearing on the FAP re-determination if she feels aggrieved. It is further ORDERED that Claimant's request for hearing on MA is DISMISSED, pursuant to Claimant's request.

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

Date Signed: 7/1/11

Date Mailed: 7/1/11

201132761/SCB

**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.

SB/sm

cc:

A large black rectangular redaction box covers the names and contact information of the individuals listed in the 'cc:' field.