

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201139425
Issue No.: 2001, 3002
Case No.: [REDACTED]
Hearing Date: October 13, 2011
County: Wayne County DHS (31)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on October 13, 2011, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant only. Participants on behalf of Department of Human Services (Department) included [REDACTED] ES, and [REDACTED], ES.

ISSUE

ADULT MEDICAL PROGRAM

With respect to the Adult Medical Assistance (AMP) Program, did the Department properly deny Claimant's application? close Claimant's case?

FOOD ASSISTANCE

With respect to the Food Assistance Program did the Department properly deny the Claimant's application close Claimant's case reduce Claimant's 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 applied for was a recipient of AMP benefits.
2. Claimant was was not living with a spouse during the time period in question.

3. The total countable income of Claimant's household for AMP was \$1371. at all times relevant to this matter.
4. The Claimant received unemployment benefits in the amount of \$674 bi weekly. The Department correctly used \$1449 as the Claimant's total gross unearned income when computing the FAP benefits.
5. The Department denied Claimant's application closed Claimant's AMP case due to excess income.
6. On February 1, 2011, the Department sent notice of the denial closure of the Adult Medical Case reduction of FAP benefits to the Claimant.
7. On March 1, 2011, Claimant filed a hearing request, protesting the denial of the application. closure of the AMP case and reduction of FAP benefits.

CONCLUSIONS OF LAW

The Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the 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 Reference Tables 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 (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and 1999 AC, Rule 400.3001 through Rule 400.3015.

Additionally, in this case the Department correctly determined that the Claimant was no longer eligible for AMP due to excess income. While the Department's calculation of the Claimant's gross unearned income of \$1371 was not correct, the difference in what the gross unearned income used by the Department and the actual correct unearned income of \$1348 does not require any change to the Department's action closing the Claimant's case. The gross unearned income was based upon the unemployment benefits received by the Claimant of \$674 biweekly which totals \$1348 monthly. Notwithstanding this discrepancy, the Department still properly closed the Claimant's AMP case. The Claimant's total income from unemployment benefits was \$1348 and well exceeded the AMP income limit of \$361, and thus this discrepancy does not affect the outcome or the Department's decision, as the Claimant's income still is over the income limit. Exhibits 3 and 8. The AMP income limit as established by RFT 236 is \$316 for one individual. The Claimant's net income of \$1348 is over the \$316 income limit and therefore her AMP case was properly closed.

After a review of the Claimant FAP budget prepared by the Department, it is determined that the Claimant's FAP benefits were correctly calculated as was her excess shelter allowance. Exhibits 7 and 8. The FAP gross income is determined on a different basis than the income determination for AMP. The FAP gross unearned income determination requires that income be converted to monthly income and requires the bi-weekly amount of \$674 be multiplied by 2.15 to determine the gross monthly income. In this case the gross monthly income equals \$1449. ($\$674 \times 2.15 = \1449). BEM 505. The Department properly applied policy when determining the total monthly gross income and correctly included the claimant's housing expenses. The FAP budget presented, finding that the Claimant is entitled to FAP benefits of \$16 per month is correct.

Based on the above Findings of Fact and Conclusions of Law, and for reasons stated on the record, the Administrative Law Judge concludes that the Department

- properly denied Claimant's application. improperly denied Claimant's application.
 properly closed Claimant's AMP case. improperly closed Claimant's case.
 properly reduced the Claimant Food Assistance.

DECISION AND ORDER

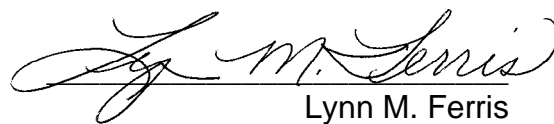
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department

- did act properly. did not act properly.

Accordingly, the Department's AMP decision is AFFIRMED REVERSED for the reasons stated on the record.

The Department reduction of the Claimant's FAP benefits is AFFIRMED for the reasons stated on the record.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:



Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: October 19, 2011

Date Mailed: October 19, 2011

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error , or other obvious errors in the hearing decision that effect the substantial rights of the claimant;
 - the failure of the ALJ to address other relevant issues in the hearing decision

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

LMF/hw

cc:

