

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2011-46557
Issue No: 3003
Case No: [REDACTED]
Hearing Date: August 31, 2011
Newaygo County DHS

ADMINISTRATIVE LAW JUDGE: Christopher S. Saunders

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 August 31, 2011. The claimant's husband, [REDACTED], personally appeared and provided testimony.

ISSUES

Whether the department properly determined Claimant's eligibility for Food Assistance Program (FAP) 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. The claimant was a recipient of FAP benefits at all time pertinent to this hearing.
2. [REDACTED], the claimant's husband and a member of the group, stopped receiving his unemployment insurance compensation benefits as of July 4, 2011. (Department Hearing Summary).
3. The department confirmed the claimant's report of the loss of his unemployment by pulling a consolidated inquiry. (Department Exhibit 1).
4. Upon receipt of the consolidated inquiry, the department calculated the claimant's FAP budget excluding the claimant's unemployment benefits as of July 4, 2011 and sent the claimant a notice of case action on July 13, 2011 informing the claimant that his FAP benefits would increase as of August 1, 2011. (Department Exhibit 30.)

5. The claimant filed a hearing request July 18, 2011.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1)

Clients have the right to contest a department decision affective eligibility for benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600.

The Food Assistance Program (FAP) was established pursuant to 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 400.30001-3015. Department policies for the program are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), the Bridges Reference Manual (BRM), and the Reference Tables Manual (RFT).

Department policy states that clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms. Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. Clients must take actions within their ability to obtain verifications. BAM 105.

DHS staff must assist when necessary. The local office must assist clients who ask for help in completing forms or gathering verifications. Particular sensitivity must be shown to clients who are illiterate, disabled or not fluent in English. BAM 105.

Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. The department must tell the client what verification is required, how to obtain it, and the due date. The Verification Checklist (DHS-3503) is mailed to the client to request verifications. The client must obtain the required verifications, but the department must assist if clients need and request help. BAM 130.

For FAP purposes, all earned and unearned income available to Claimant is countable. Earned income means income received from another person or organization or from self-employment for duties that were performed for compensation or profit. Unearned income means all income that is not earned, including but not limited to funds received from the Family Independence Program (FIP), State Disability Assistance (SDA), Child Development and Care (CDC), Medicaid (MA), Social Security Benefits (RSDI/SSI), Veterans Administration (VA), Unemployment Compensation Benefits (UCB), Adult

Medical Program (AMP), alimony, and child support payments. The amount counted may be more than the client actually receives because the gross amount is used prior to any deductions. BEM 500.

In the case at hand, the claimant is arguing that the department should have calculated the loss of his unemployment to affect the month of July, 2011. The claimant testified that he informed the department in June that his unemployment benefits would be ending as of July, 2011, and therefore the department should have budgeted his FAP benefits without his unemployment income for the month of July. However, department policy states that income must be verified because eligibility is being affected. BAM 130. Although the claimant was aware that his income would be changing as of July, verification that such income had stopped was not available until July. When said verification did become available the department recalculated the claimant's budget without the unemployment income. The claimant did not dispute the accuracy of the budget completed by the department without the unemployment income. This Administrative Law Judge finds that the department acted properly according to policy in determining the claimant's FAP eligibility and benefit amount.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department acted in accordance with policy in determining the claimant's eligibility for and FAP benefit amount.

The department's actions are **AFFIRMED**. It is SO ORDERED.

/s/

Christopher S. Saunders
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: September 7, 2011

Date Mailed: September 7, 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 60 days of the filing of the original request.

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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.

CSS/cr

cc:

