

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 201110793
Issue No.: 3000; 6000
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: January 19, 2011
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon pursuant to MCL 400. 9; MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was held on January 19, 2011. The Claimant appeared and testified.

[REDACTED], ES appeared on behalf of the Department.

ISSUE

Was the Department correct in determining Claimant's Food Assistance benefits and in closing her Child Day Care Assistance 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) Claimant was an ongoing recipient of FAP and CDC benefits.
- (2) Claimant's Child Day Care benefits closed on November 21, 2010 due to excess income.

- (3) Claimant's FAP benefits were reduced to \$49 on November 21, 2010 due to an increase in income.
- (4) Claimant requested hearing on November 2, 2010 contesting the reduction of FAP and closure of CDC benefits.
- (5) The parties reached an agreement whereby the Department agreed to reinstate and reprocess Claimant's Child Day Care benefits for the period between October 10, 2010 and November 20, 2010, and to reprocess and recalculate FAP benefits going back to December 2010 to include dependent care expense for child day care expenses incurred by the Claimant.

CONCLUSIONS OF LAW

The Food Assistance Program, 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 ("DHS"), formerly known as the Family Independence Agency, administers the FAP program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Program Reference Manual ("PRM").

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

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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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Under Bridges 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 parties reached an agreement whereby the Department agreed to reinstate and reprocess Claimant's Child Day Care benefits for the period between October 10, 2010 and November 20, 2010 and to reprocess and recalculate FAP benefits going back to December 2010 to include dependent care expense for child day care expenses incurred by the Claimant. 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.

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Claimant's gross employment income of \$1800 exceeds the \$1600 gross income limit for a 2 person household for the CDC program. RFT 270. Therefore the closure of Claimant's CDC benefits is proper and correct. Claimant raised issues with regard to the fairness of using gross income rather than net income. The Department policy is clear that gross income is to be used.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department shall reinstate and reprocess Claimant's Child Day Care benefits for the period between October 10, 2010 and November 20, 2010 and reprocess and recalculate FAP benefits going back to December 2010 to include dependent care expense for child day care expenses incurred by the Claimant, in accordance with the terms of the settlement agreement. Any increase in benefit shall be paid to Claimant in the form of a supplement.



Aaron McClintic
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: February 7, 2011

Date Mailed: February 7, 2011

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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.

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.

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