

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

IN THE MATTER OF THE CLAIM OF:



Reg. No.: 201120928
Issue No.: 2014; 3015
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: April 14, 2011
Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice, an in person hearing was held on April 14, 2011. The Claimant appeared and testified.

ISSUE

Did the Department properly close the Claimant's Food Assistance Program (FAP), and Medical Assistance (MA)?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material and substantial evidence on the whole record, finds as material fact:

1. The Claimant was a FAP and MA recipient.
2. On October 13, 2010, the Department began a redetermination of the Claimant's MA and FAP.
3. On November 17, 2010, the Department sent the Claimant a verification checklist requesting documentation of a [REDACTED] deposit to the Claimant's checking account. (Department Exhibit 7).
4. On November 30, 2010, the Department closed the Claimant's FAP and MA for excess income.

5. On November 24, 2008, the Claimant filed a request for a hearing.

CONCLUSIONS OF LAW

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 of Human Services (formerly known as the Family Independence Agency) administers the FAP program pursuant to MCL 400.10, et seq., and MAC R 400.3001-3015. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, et seq., and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

At the hearing, the Claimant testified that her son had taken funds from her checking account. Therefore, to avoid him removing funds once again she took monies from said account and replaced it right before she had to pay her rent.

Income-Related Logical Units of Work (LUW)

An income-related LUW is a series of data collection screens. Completion is required to collect information needed to determine countable income. The four income categories and income-related LUWs in Bridges correspond to the four income-related manual items:

- Income from Employment, [BEM 501](#).
- Income from Self-Employment, [BEM 502](#).
- Income, Unearned, [BEM 503](#).
- Income from Rental/Room and Board, [BEM 504](#).

Income-related manual items above do both of the following:

- Define each income type.
- Indicate which income types are excluded or counted for each TOA. (BEM 500, pp. 1-2).

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This ALJ finds the Claimant's testimony credible. Her rent is in fact \$1,500.00, as shown in other documentation and the deposit in question is a one time occurrence. The [REDACTED] deposit is not income.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, REVERSES AND ORDERS the Department to return to the date of closure of the Claimant's FAP and MA and replace any appropriate benefits not paid.

[REDACTED]

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

Date Signed: May 19, 2011

Date Mailed: May 19, 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 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.

MJB/hw

cc: [REDACTED]
Oakland County DHS (03)/ 1843

[REDACTED]

Administrative Hearing System

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