

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

IN THE MATTER OF:



Reg. No.: 2011-30160
Issue Nos.: 2001, 3002
Case No.: [REDACTED]
Hearing Date: June 15, 2011
DHS County: Wayne (82-17)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 hearing was held on June 15, 2011. Claimant appeared and testified.

ISSUE

1. Whether the Department of Human Services (DHS or Department) properly denied the Claimant's application for Adult Medical Program (AMP) benefits?
2. Whether DHS properly reduced the Claimant's 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. On October 7, 2010, Claimant applied for AMP.
2. On March 23, 2011, the Department sent a decision notice regarding the application submitted, indicating that Claimant had excess income for the AMP program. The income submitted with the October 7, 2010, application was used by the Department to reduce the Claimant's FAP benefits effective April 1, 2011.
3. On March 16, 2011 the Claimant signed the back of the notice of case action and requested a hearing.

CONCLUSIONS OF LAW

AMP is established by Title XXI of the Social Security Act; (1115) (a) (1) of the Social Security Act, and is administered by the Department (formerly known as the Family Independence Agency) pursuant to MCL 400.10 *et seq.* Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

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 FAP pursuant to MCL 400.10 *et seq.* and MAC R 400.3001-3015. Department policies are found in BAM, BEM and BRM.

In the current case, Claimant requested a hearing on March 23, 2011, protesting both the denial of her October 7, 2010, application for AMP and the reduction in FAP benefits effective April 1, 2011. During the hearing, the Department agreed to reprocess the FAP benefits and recalculate the FAP amount after requesting verifications of income, medical expenses and shelter expenses. The Department agreed to supplement the Claimant back to April 1, 2011, if she were found to be eligible for more than the previously determined \$16 FAP benefit. Since the Department and Claimant have reached an agreement regarding the FAP benefit portion of the case, this issue shall be DISMISSED.

The Department testified and provided evidence that the Claimant was receiving \$340.56 per week unearned income from the [REDACTED] plan for disability. This income far exceeded the income limit of \$316 monthly for AMP benefits. Claimant acknowledged during the hearing she was, in fact, receiving a gross benefit of \$340.56 per week.

The Department properly determined that Claimant had excess income at the time of application for AMP benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department properly denied Claimant's application for AMP for excess income.

Accordingly, the Department's decision is hereby UPHeld.

As indicated above, the issue regarding FAP benefits being reduced beginning April 1, 2011, is DISMISSED as the Department and Claimant have reached an agreement.



Jonathan W. Owens
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: June 23, 2011

Date Mailed: June 23, 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.

JWO/pf

cc:

