

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2012212
Issue No: 1015, 3002, 1080
Case No: [REDACTED]
Hearing Date: November 17, 2011
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: William A. Sundquist

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, an in-person hearing was held on Thursday, November 17, 2011. Claimant personally appeared and testified on her behalf.

ISSUE

1. Was federal time limit maximum exceeded?
2. Was change of income reported to the Department of Human Services timely?

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 agrees that her FIP case was correctly terminated September 13, 2011 due to her cash case exceeding the federal time limit maximum per BEM 234.
2. On or about June 15, 2011, the claimant lost her job.
3. On June 20, 2011, claimant reported to the Department of Human Services the addition of [REDACTED] of her [REDACTED] who had returned home.
4. On September 1, 2011, at redetermination review claimant informed the Department of Human Services that she had last worked on June 20, 2011.

CONCLUSIONS OF LAW

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* The Department of Human Services (DHS or department) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Program Administrative Manual (BAM), the Program Eligibility Manual (BEM) and the Program Reference Manual (PRM).

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 (DHS or department) 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 (BAM), the Program Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Facts above are undisputed

Issue 1

1. Claimant admitted that the time limit decision was correct in accordance with Department of Human Services policy requirements. BEM 234

Issue 2

Responsibility to Report Changes

(1)

All Programs

This section applies to all groups **except** most FAP groups with earnings.

Clients must report changes in circumstances that potentially affect eligibility or benefit amount. Changes must be reported **within 10 days**:

- . after the client is aware of them, or
- . the start date of employment. BAM, Item 105, p. 7.

The evidence of record does not establish that the claimant report her loss of income due to loss of job on June 20, 2011.

Claimant testified that on July 7, 2011, she notified the case workers supervisor that she had lost her job evidently by phone.

The case worker at the hearing testified that there was no written memo by the supervisor in the file; and that it is the Department of Human Services policy to reduce phone calls or in-person messages to written form and placed in a recipients file; and that no such message was in claimant's file regarding loss of a job.

The evidence of record established that on September 1, 2011, claimant had a redetermination review at which time the Department of Human Services learned of the job loss.

Both parties agree that Department of Human Services policy provides that notice of change in one month would be reflected in the subsequent month. In this case, notice of income change was in September. Therefore, the reflection of the change would be in October when the claimant exceeded the federal time limit

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that:

1. Federal time limit maximum was exceeded, and
2. Change of income reported to Department of Human Services was untimely.

Accordingly, FIP termination is **UPHELD**.

/s/
William A. Sundquist
Administrative Law Judge
For Maura D. Corrigan, Director
Department of Human Services

Date Signed: February 23, 2012

Date Mailed: February 23, 2012

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.

2012212/WAS

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.

WAS/tb

cc:

