

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 20126102
Issue No.: 2001; 3002
Case No.: [REDACTED]
Hearing Date: January 18, 2011
County: Oakland (3)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on January 18, 2011, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and [REDACTED]. [REDACTED] Participant(s) on behalf of Department of Human Services (Department) included [REDACTED] Family Independence Manager.

ISSUE

Whether the Department properly closed Claimant's Adult Medical Program (AMP) case.

Whether the Department properly reduced Claimant's Food Assistance Program (FAP) benefits.

FINDINGS OF FACT

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

1. Claimant was an ongoing recipient of AMP and FAP benefits.
2. Claimant was not living with a spouse during the time period in question.
3. Following a redetermination, the Department sent Claimant a September 27, 2011, Notice of Case action informing him that his AMP case would close

effective October 31, 2011, and his monthly FAP benefits would be reduced effective November 1, 2011, due to excess income.

4. On October 20, 2011, Claimant filed a hearing request, disputing the Department's action.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

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 (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and 1999 AC, R 400.3001 through Rule 400.3015.

The Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq.*

Additionally, on September 27, 2011, the Department notified Claimant that, because of his excess income, his AMP case would close effective October 31, 2011, and his monthly FAP benefits would be reduced effective November 1, 2011.

Income eligibility for AMP coverage exists when the program group's net income does not exceed the program group's AMP income limit, which is \$316 for an individual living independently. BEM 640; RFT 236. In this case, Claimant verified his weekly gross income for August 2011, which the Department used in calculating his AMP income budget. The gross earning deduction entitles each AMP group member to a \$200 deduction from his or her gross earnings and then an additional deduction totaling 20% of the remaining gross earnings. BEM 640. A review of the Claimant's AMP income budget shows that the Department calculated Claimant's net income as \$545 in accordance with Department policy. Because Claimant's net income of \$545 exceeds the AMP income limit of \$316, the Department acted in accordance with Department policy when it closed Claimant's AMP case.

A review of Claimant's FAP budget shows that the Department also calculated Claimant's monthly FAP benefits in accordance with Department policy. BEM 554, 556; RFT 255.

Based on the above Findings of Fact and Conclusions of Law, and for reasons stated on the record, the Administrative Law Judge concludes that the

Department properly closed Claimant's AMP case and reduced his monthly FAP benefits.

DECISION AND ORDER

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department

did act properly. did not act properly.

Accordingly, the Department's AMP decision is AFFIRMED REVERSED for the reasons stated above.



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: January 24, 2012

Date Mailed: January 24, 2012

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at

2012-6102/ACE

Re Michigan Administrative hearings
consideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

ACE/cl

cc:

