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

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IN THE MIXTER OF .			
	Reg. No.: Issue No.: Case No.: Hearing Date: County:	2012-69456 3002 September 12, 2012 Wayne (82-43)	
ADMINISTRATIVE LAW JUDGE: Jan Leventer			
HEARING DEC	SION		
This matter is before the undersigned Administra and MCL 400.37 following Claimant's request telephone hearing was held on September Participants on behalf of Claimant included Cla Department of Human Services (Departmen	for a hearing. 12, 2012, from aimant. Parti <u>cipa</u>	After due notice, a Detroit, Michigan.	
ISSUE			
Due to excess income, did the Department prope ☐ close Claimant's case ☒ reduce Claimant's be		claimant's application	
☐ Family Independence Program (FIP)? ☐ Food Assistance Program (FAP)? ☐ Medical Assistance (MA)? ☐	Adult Medical Assistance (AMP)? State Disability Assistance (SDA)? Child Development and Care (CDC)?		
FINDINGS OF I	ACT		
The Administrative Law Judge, based on the evidence on the whole record, finds as material fa		rial, and substantial	
1. Claimant ☐ applied for benefits for: ☒ re	eceived benefits fo	or:	
☐ Family Independence Program (FIP). ☐ Food Assistance Program (FAP). ☐ Medical Assistance (MA).	State Disability A	ssistance (AMP). Assistance (SDA). ent and Care (CDC).	

2.	On August 13, 2012, the Department						
3.	On August 9, 2012, the Department sent Claimant Claimant's Authorized Representative (AR) notice of the denial. closure. reduction.						
4.	On August 13, 2012, Claimant or Claimant's AHR filed a hearing request, protesting the						
	denial of the application.						
	CONCLUSIONS OF LAW						
	epartment policies are contained in the Bridges Administrative Manual (BAM), the dges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).						
☐ The Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, <i>et seq</i> .							
The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, <i>et seq.</i> The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, <i>et seq.</i> , and 1999 AC, Rule 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.							
pro imp Re Ag	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 Federa Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, et seq., and 1999 AC, Rule 400.3001 through Rule 400.3015.						
Se Th	The Medical Assistance (MA) program is established by the Title XIX of the Social curity Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). e Department (formerly known as the Family Independence Agency) administers the A program pursuant to MCL 400.10, <i>et seq.</i> , and MCL 400.105.						
☐ The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCI 400.10, et seq., and 2000 AACS, Rule 400.3151 through Rule 400.3180.							
	The Child Development and Care (CDC) program is established by Titles IVA, IVE d 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 Department provides services to adults and children pursuant to MCL 400.14(1) and 1999 AC, Rule 400.5001 through Rule 400.5015.

Additionally, at the hearing, the Department presented evidence that Claimant's rent was reduced from \$450 to \$89 per month. Based on this information, the Department recalculated Claimant's FAP benefit and reduced it from \$526 to \$361 per month.

Claimant testified, however, that her rent was \$400 per month. Claimant presented no proof at the hearing verifying the amount of her rent. At the hearing, Claimant was advised that if she verified her rent, the Department would consider whether an adjustment and a supplemental retroactive benefit might be appropriate in her case.

Claimant did not present additional concerns regarding the calculation of her FAP benefits. Accordingly, it is found and determined that the Department's calculations are correct, and the Department's action in this case is affirmed.

Jan Leventer
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: September 17, 2012

Date Mailed: September 17, 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. (60 days for FAP cases)

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt 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 <u>MAY</u> be granted if there is newly discovered evidence that could affect the outcome
 of the original hearing decision.
- A reconsideration <u>MAY</u> 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 Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

JL/pf

cc: