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

IN THE MATTER OF:				
	Reg. No.: Issue No.: Case No.: Hearing Date: County:	201272202 3003 September 27, 2012 Kalamazoo County DHS		
ADMINISTRATIVE LAW JUDGE: Corey A. Arendt				
HEARING DECISION				
This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claim ant's request for a hearing. After due notice, a telephone hearing was held on Sept ember 27, 2012 from Lansing, Michigan. Participants on behalf of Department of Human Services (Department) included				
<u>ISSUE</u>				
Due to excess income, did the Department properly ☐ deny the Claimant's applic ation ☐ close Claimant's case ☒ reduce Claimant's benefits for:				
Food Assistance Program (FAP)?	•	sistance (AMP)? ssistance (SDA)? nt and Care (CDC)?		
FINDINGS OF FACT				
The Administrative Law Judge, based on t he competent, material, and substantial evidence on the whole record, finds as material fact:				
1. Cla imant ☐ applied for benefits for: ☒ red	ceived benefits for	r:		
☐ Family Independence Program (FIP). ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐	•	sistance (AMP). assistance (SDA). ent and Care (CDC).		
2. On September 1, 2012, the Department ☐ denied Claimant's application ☐ closed Claimant's case ☐ reduced Claimant's benefits				

due to excess income.

3.	On July 31, 2012, the Department sent  Claimant Claimant's Authorized Representative (AR)  notice of the denial. closure. reduction.		
4.	On August 13, 2012, Claim ant or Claimant's AHR file d a hearing request, protesting the $\square$ denial of the application. $\square$ closure of the case. $\boxtimes$ reduction of benefits.		
	CONCLUSIONS OF LAW		
	partment policies are contained in the Br idges Administrative Manual (BAM), the dges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).		
Sta coi (fo	e FAP [formerly known as the Food Stamp (F S) program] is established by the Food amp Act of 1977, as amended, and is implemented by the federal regulations ntained in T itle 7 of the Code of Federal Regulations (CFR). The Department remerly known as the Family Independence Agency) administers FAP pursuant to CL 400.10, et seq., and 1999 AC, R 400.3001 through Rule 400.3015.		
we ap	er an extensive review of the Claimant's budget I have determined all calculations reproperly made at review, and all FAP issuance/budgeting rules were properly plied. As such, the Department's reduction of the Claimant's FAP benefits must be held.		
sta	sed upon the abov e Findings of Fact and Conclus ions of Law, and for the reasons ated on the record, the Administrative Law Judge concludes that, due to excess some, the Department $\square$ properly $\square$ improperly		
	<ul> <li>☐ denied Claimant's application</li> <li>☐ reduced Claimant's benefits</li> <li>☐ closed Claimant's case</li> </ul>		
for	: ☐ AMP ☐ FIP ☒ FAP ☐ MA ☐ SDA ☐ CDC.		
DECISION AND ORDER			
	e Administrative Law Judge, based upon the above Findings of Fact and Conclusions Law, and for the reasons stated on the record, finds that the Department did act properly		

Accordingly, the Department's ☐ AMP ☐ FIP ☒ FAP ☐ MA ☐ S	
is $igtimes$ AFFIRMED $igcup$ REVERSED for the reasons stated on the reco	ord.

/s/

Corey A. Arendt Administrative Law Judge For Maura Corrigan, Director Department of Human Services

Date Signed: September 28, 2012

Date Mailed: September 28, 2012

**NOTICE**: Michigan Administrative Hearing S ystem (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a par ty within 30 days of the mailing date of this Dec ision and Order. MAHS will not or der a rehearing or reconsideration on the Department's mo tion where the final decis ion 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 ti mely 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 **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 Michigan Administrative hearings

Re consideration/Rehearing Request
P. O. Box 30639

Lansing, Michigan 48909-07322

## CAA/las

CC:

