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:	2012-76150 3002 October 31, 2012 Wayne (18)	
ADMINISTRATIVE LAW JUDGE: Jan Leventer			
HEARING DECI	SION		
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 October 31, 2012, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included Family Independence Specialist and Assistance Payments Supervisor.			
<u>ISSUE</u>			
Due to excess income, did the Department properly ☐ deny the Claimant's application ☐ close Claimant's case ☒ reduce Claimant's benefits for:			
☐ 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 FACT			
The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:			
1. Claimant ☐ applied for benefits for: ☒ re	ceived benefits fo	or:	

Adult Medical Assistance (AMP).

State Disability Assistance (SDA).

Child Development and Care (CDC).

Family Independence Program (FIP).

Food Assistance Program (FAP).

Medical Assistance (MA).

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 August 31, 2012, the Department sent Claimant Claimant's Authorized Representative (AR) notice of the denial. closure. reduction.	
4.	On September 6, 2012, Claimant or Claimant's AHR filed a hearing request, protesting the ☐ denial of the application. ☐ closure of the case. ☐ reduction of benefits.	
CONCLUSIONS OF LAW		
	partment policies are contained in the Bridges Administrative Manual (BAM), the dges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).	
pro imp Re Ag	The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) ogram] is established by the Food Stamp Act of 1977, as amended, and is plemented by the federal regulations contained in Title 7 of the Code of Federal gulations (CFR). The Department (formerly known as the Family Independence ency) administers FAP pursuant to MCL 400.10, et seq., and 1999 AC, Rule 0.3001 through Rule 400.3015.	
Additionally, the dispute in this case is the reduction of FAP benefits from \$668 to \$422, which occurred on September 1, 2012. At the hearing the Claimant indicated that she understood that the Department's action was correct and she understood and was satisfied that the September 1, 2012 reduction was correct as it was based on increased income. Accordingly, the Department shall be affirmed in this case.		
Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that, due to excess income, the Department $\ \ \ \ \ \ \ \ \ \ \ \ \ $		
	 ☐ denied Claimant's application ☐ reduced Claimant's benefits ☐ closed Claimant's case 	
for	: ☐ AMP ☐ FIP ☒ FAP ☐ MA ☐ SDA ☐ CDC.	
DECISION AND ORDER		
of	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 \square AMP \square FIP \boxtimes FAP \square MA \square SDA \square CDC decision is \boxtimes **AFFIRMED** \square REVERSED for the reasons stated on the record.

Jan Leventer

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

Jan

Date Signed: October 31, 2012
Date Mailed: November 1, 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 **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
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

