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

### IN THE MATTER OF:



Reg. No.: 2012-76856

Issue No.:

Case No.: Hearing Date:

County:



ADMINISTRATIVE LAW JUDGE: Suzanne Morris

# **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 the property of the property

# ISSUE

Did the Department properly budget the claimant's Food Assistance Program (FAP) case?

# FINDINGS OF FACT

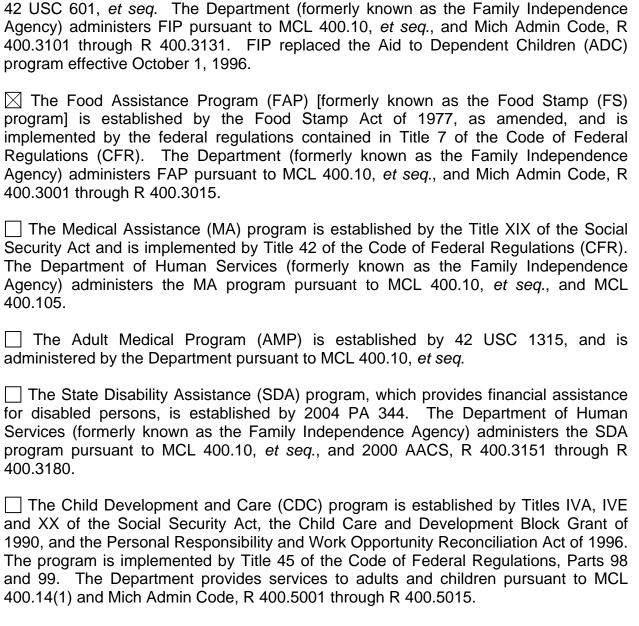
The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

- The claimant received an increase in her RSDI gross payment from \$1739 to \$1801 monthly.
- 2. This caused the claimant's FAP benefits to decrease to \$30 monthly.
- 3. The claimant submitted a hearing request or

### **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 Family	Independ	ence Progra	am (FIP) was e	establish	ed pur	suant to the	Personal
Responsibility	and Work	Opportunity	Reconciliation	n Act of	1996,	Public Law	104-193,



Additionally, the claimant testified that while she did receive an increase in her RSDI, she was notified by the Social Security Administration (SSA) that she had received an overpayment and would have to repay \$50 monthly. The claimant presented a copy of the letter from SSA about the overpayment to the department and the court. An SOLQ report run by the department representative does now show the \$50 being withheld from the claimant's RSDI pay. Therefore, the department representative indicated that the FAP case would be re-budgeted, removing the \$50 monthly that is repaid to SSA for the overpayment. The claimant indicated that this resolved her hearing issue.

# **DECISION AND ORDER**

of Law, and for the reasons stated on the record, finds that the Department $\square$ did act properly when $\square$ did not act properly when budgeting the claimant's case.					
Accordingly, the Department's AMP FIP FIP FAP MA SDA CDE IS AFFIRMED REVERSED for the reasons stated on the record.	C decision				
☑ THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 THE DATE OF MAILING OF THIS DECISION AND ORDER:	DAYS OF				
1. Although the department was correct in its FAP determination at the time, base upon the new evidence presented, the department shall now re-budget the claimant's FAP case removing the \$50 monthly overissuance that claimant repays to SSA.					
SO ORDERED.					
Suzanne Administrative I for Maura Corriga Department of Human	n, Director				
Date Mailed:					

**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

# SLM/jk

