

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012-55993
Issue No.: 3002
Case No.: [REDACTED]
Hearing Date: June 28, 2012
County: Oakland (63-02)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 June 28, 2012, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department properly re-determine Claimant's case for:

- | | |
|--|---|
| <input type="checkbox"/> Family Independence Program (FIP)? | <input type="checkbox"/> Adult Medical Assistance (AMP)? |
| <input checked="" type="checkbox"/> Food Assistance Program (FAP)? | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input type="checkbox"/> Medical Assistance (MA)? | <input type="checkbox"/> 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 received benefits for:

- | | |
|--|---|
| <input type="checkbox"/> Family Independence Program (FIP). | <input type="checkbox"/> Adult Medical Assistance (AMP). |
| <input checked="" type="checkbox"/> Food Assistance Program (FAP). | <input type="checkbox"/> State Disability Assistance (SDA). |
| <input type="checkbox"/> Medical Assistance (MA). | <input type="checkbox"/> Child Development and Care (CDC). |

2. On April 12, 2012, the Department completed a FAP review resulting in a new FAP amount being determined beginning May 1, 2012.
3. On April 24, 2012, Claimant lost her unemployment claim.
4. On May 17, 2012, the Department completed a new FAP budget removing unemployment benefits causing Claimant's FAP benefits to be increased effective June 1, 2012.
5. On May 17, 2012, Claimant filed a hearing request, protesting the effective date of her FAP benefit increase. Claimant asserted her FAP benefits should be increased effective May 1, 2012.

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 Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and 1999 AC, Rule 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

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, Rule 400.3001 through Rule 400.3015.

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

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

The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA

program pursuant to MCL 400.10, *et seq.*, and 2000 AACRS, Rule 400.3151 through Rule 400.3180.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and 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.

In the instant case, the Department completed a FAP review on April 12, 2012. This review included the use of unemployment benefits being received by Claimant. The Department reduced Claimant's FAP benefits effective May 1, 2012. On April 24, 2012, Claimant lost her unemployment hearing resulting in a discontinuation of unemployment benefits. On May 17, 2012 the Department completed a new FAP budget removing unemployment benefits. This change resulted in Claimant's FAP benefits increasing effective June 1, 2012.

Claimant requested a hearing protesting the effective date of her FAP benefits. Claimant asserts the Department should have awarded the increased FAP benefits effective May 1, 2012. Claimant bases this belief on her testimony that she informed the Department on April 12, 2012, that her unemployment benefits would be ending. The Department worker failed to recall being told on this date that Claimant's unemployment benefits were ending. The Department presented a copy of benefit payment information from the unemployment office provided by Claimant as Exhibit Q. This exhibit indicates Claimant began eligibility for unemployment October 9, 2011, and the benefit year end date was October 6, 2012. This same exhibit indicates regular UI-Weeks remaining as four and Regular UI-Weeks Entitled as twenty six. This form was printed as of March 17, 2012. Claimant admitted she received her final decision regarding unemployment on April 24, 2012.

The Department testified they processed the review utilizing the paperwork provided and a system check which revealed Claimant had weeks remaining for which she was eligible to receive. The Department testified they were first made aware of Claimant's unemployment ending on May 17, 2012. Claimant insists she told the Department it would be ending during the review appointment and again on April 23, 2012, the day of her unemployment hearing, even though a decision regarding her unemployment was not issued until April 24, 2012.

In the instant case, the only issue presented is whether or not the loss of unemployment benefits and the proper reporting of the loss of those benefits should have impacted the Claimant's May 2012 monthly FAP benefits. After considering the evidence and testimony in this matter, the Administrative Law Judge finds the Department's testimony and evidence more credible regarding the reporting of the loss of unemployment benefits. Therefore, the Department properly processed the loss of unemployment and

properly made changes to Claimant's FAP benefits effective June 1, 2012, rather than May 2012.

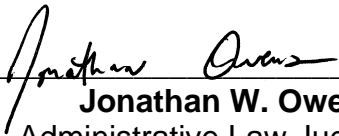
Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department properly redetermined Claimant's case for

for: AMP FIP FAP MA SDA CDC.

DECISION AND ORDER

The Administrative Law Judge, based upon 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 FIP FAP MA SDA CDC decision is AFFIRMED REVERSED for the reasons stated on the record.



Jonathan W. Owens
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 2, 2012

Date Mailed: July 2, 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 **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.

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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

JWO/pf

cc:

