

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

**IN THE MATTER OF:**



Reg. No.: 201257474  
Issue No.: 3003  
Case No.: [REDACTED]  
Hearing Date: July 11, 2012  
County: Wayne DHS (35)

**ADMINISTRATIVE LAW JUDGE:** Christian Gardocki

**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 July 11, 2012 from Detroit, Michigan. Participants included the above named claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Specialist.

**ISSUE**

The issue is whether DHS properly determined Claimant's Food Assistance Program (FAP) benefit eligibility effective 7/2012 by budgeting two jobs for Claimant's daughter.

**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 was an ongoing FAP benefit recipient.
2. Claimant's daughter was employed with a golf course.
3. On an unspecified date, Claimant noted on an application for Medical Assistance benefits that her daughter had a new job with a restaurant.
4. On an unspecified date, DHS mailed a request for verification of Claimant's daughter's stopped employment income with a golf course.
5. Claimant failed to return the verification of stopped employment for her daughter.

6. On 5/29/12, DHS determined Claimant's FAP benefit eligibility for 7/2012, in part, based on multiple employment incomes for Claimant's daughter.
7. On 6/4/12, Claimant requested a hearing to dispute the FAP benefit determination.

### **CONCLUSIONS OF LAW**

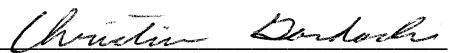
The Food Assistance Program (formerly known as the Food Stamp Program) is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). DHS administers the FAP pursuant to Michigan Compiled Laws 400.10, *et seq.*, and Michigan Administrative Code R 400.3001-3015. DHS regulations are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT). Updates to DHS regulations are found in the Bridges Policy Bulletin (BPB).

The present case concerns a determination of FAP benefits for 7/2012. Claimant specifically only raised a dispute concerning the budgeting of allegedly stopped employment income for her daughter. Thus, other FAP benefit factors were not considered.

For FAP benefits, DHS is to verify income that decreases or stops. BEM 501 at 7. It was not disputed that DHS requested verification of stopped income for Claimant's daughter's employment with a golf course. It was also not disputed that Claimant failed to verify that the employment income stopped despite a written request for the verification by DHS. Consequently, DHS budgeted Claimant's daughter's income from her employment with a golf course in the FAP benefit determination for 7/2012. The DHS action was appropriate based on Claimant's failure to verify the stoppage in income. It is found that DHS properly included Claimant's daughter's income from her employment with a golf course in the 7/2012 FAP benefit determination.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly included Claimant's daughter's employment income with a golf course in a FAP benefit determination effective 7/2012. The actions taken by DHS are AFFIRMED.

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

Date Signed: July 13, 2012

Date Mailed: July 13, 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.

Request must be submitted through the local DHS office or directly to MAHS by mail to:

Michigan Administrative Hearings  
Reconsideration/Rehearing Request  
P. O. Box 30639  
Lansing, Michigan 48909-07322

CG/hw

cc:

