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

IN THE MATTER OF:



Reg. No.: 201317602

Issue No.: 3002

Case No.:

Hearing Date: January 24, 2013

County: Wayne (17)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 January 24, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included Specialist.

<u>ISSUE</u>

Did the Department properly deny Claimant's request to recalculate her Food Assistance Program (FAP) benefits for the period between April 2012 and October 2012 and issue supplements?

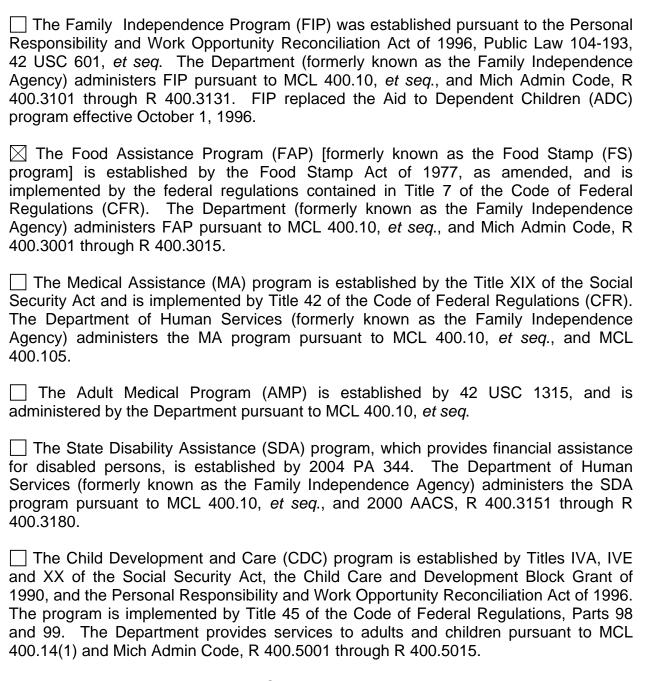
FINDINGS OF FACT

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

- 1. Claimant is an ongoing recipient of FAP benefits.
- 2. On December 14, 2012, Claimant requested a hearing alleging that she had been underissued FAP benefits for the months between April 2012 and October 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).



Additionally, in connection with an October 2012 semi-annual review, the Department recalculated Claimant's FAP budget and concluded that she was eligible to receive \$812 in monthly FAP benefits for November 2012, ongoing. On December 14, 2012, Claimant filed a hearing request, contending that the Department had improperly continued to include income she had received as a home health care provider for her mother in her FAP budget for the months between April 2012 and October 2012 even though she stopped receiving those benefits in April 2012 after her mother's death.

Clients must report changes in income to the Department within ten days of the change. BAM 105 (November 1, 2012), p 7. The Department must then act on reported changes that affect FAP benefits within ten days of becoming aware of the change. BAM 220 (November 1, 2012), p 5. In this case, the evidence at the hearing established that Claimant had not reported a change in income to the Department at the time she stopped receiving the home health provider income, and the Department did not become aware of the change in income until Claimant completed her semi-annual. Clients are not eligible for supplements to correct underissuances caused by their failure to report. BAM 406 (October 1, 2010), p 1. Under the circumstances in this case, the Department acted in accordance with Department policy when it concluded that Claimant was not eligible for FAP supplements.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusion of Law, and for the reasons stated on the record, finds that the Department did act properly. I did not act properly.	ions
Accordingly, the Department's decision is \boxtimes AFFIRMED \square REVERSED for reasons stated on the record and above.	the

Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: January 31, 2013

Date Mailed: January 31, 2013

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:

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- 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

ACE/hw

