

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

IN THE MATTER OF:



Reg. No.: 2013-39267
Issue Nos.: 2000, 3002, 6019
Case No.: [REDACTED]
Hearing Date: May 2, 2013
County: Wayne (19)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION AND CONSENT ORDER OF DISMISSAL

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 May 2, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Family Independence Manager and [REDACTED], Assistance Payments Worker.

ISSUES

Due to excess income, did the Department properly deny the Claimant's application close Claimant's case reduce Claimant's 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 checked="" type="checkbox"/> Medical Assistance (MA)? | <input checked="" 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 for: 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). |

Medical Assistance (MA). Child Development and Care (CDC).

2. On or about March 1, 2013, the Department denied Claimant's CDC application and closed Claimant's case reduced Claimant's FAP and MA benefits due to excess income.
3. On March 18, 2013, the Department sent Claimant Claimant's Authorized Representative (AR) notice of the denial of CDC benefits. closure. reduction of FAP benefits.
4. On March 29, 2013, Claimant or Claimant's AHR filed a hearing request, protesting the denial of the application. closure of the case. reduction of benefits.

Michigan Administrative Code Rule (MAC R) 400.903(1) provides as follows:

An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by an agency action resulting in suspension, reduction, discontinuance, or termination of assistance.

In this case, on an unknown date, the Department

- denied Claimant's application for benefits
 closed Claimant's case for benefits
 reduced Claimant's benefits

for:

- Family Independence Program (FIP). Adult Medical Assistance (AMP).
 Food Assistance Program (FAP). State Disability Assistance (SDA).
 Medical Assistance (MA). Child Development and Care (CDC).
 State Emergency Services (SER).

Shortly after commencement of the hearing, Claimant testified she now understood and accepted the actions taken by the Department. Claimant also testified she did not wish to proceed with a hearing regarding her MA benefits. The Department agreed to the dismissal of Claimant's MA hearing request. Pursuant to MAC R 400.906(1), Claimant's MA hearing request is hereby DISMISSED.

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 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 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.

Additionally, the following findings of fact and conclusions of law are entered in this case. The Department's Bridges Eligibility Manual (BEM) 500, "Income Overview," requires the Department to use the customer's gross income in calculating FAP benefit levels. Department of Human Services Bridges Eligibility Manual (BEM) 500 (2013). In this case the Claimant's income increased in January and February, 2013. Dept. Exh. 1, p. 9.

The Department used six weeks of income information to determine Claimant's benefit level. Using six weeks of income, the Department calculated Claimant's income to be \$1,836 per month. Going next to the "Food Assistance Issuance Tables," this chart indicates that the FAP benefit level for a family group of two people, is \$16 per month. Department of Human Services Reference Tables (RFT) 260 (2012), p. 13.

However, it appears that the income figure of \$1,836 is incorrect. Adding up the six weeks of income, dividing by 6 weeks to obtain the average weekly wage, and multiplying the result by 4.3 weeks to arrive at a monthly income, the number arrived at is \$1,477.77 and not \$1,836. The Department erred in calculating Claimant's FAP budget when it used an income figure higher than the Claimant's monthly gross income. The Department shall be reversed and the FAP benefit level recalculated.

With regard to CDC benefits, the Department denied Claimant these benefits based on an income figure of \$1,836. Dept. Exh. 1, pp. 12, 14. As stated above in regard to FAP benefits, this income figure is incorrect and the Department shall be reversed and required to redetermine Claimant's eligibility for CDC benefits.

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 properly improperly

- denied Claimant's CDC application and
- reduced Claimant's FAP benefits.
- closed Claimant's case

DECISION AND ORDER

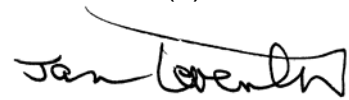
The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department did act properly did not act properly.

Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is AFFIRMED REVERSED for the reasons stated on the record.

THE DEPARTMENT IS ORDERED TO INITIATE THE FOLLOWING ACTION WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reinstate Claimant's CDC application and redetermine her eligibility for benefits.
2. Provide retroactive and ongoing CDC benefits to Claimant at the benefit level to which she is entitled.
3. Review and recalculate Claimant's FAP allotment based on gross income.
4. Provide retroactive and ongoing FAP benefits to Claimant at the benefit level(s) to which she is entitled.
5. All steps shall be taken in accordance with Department policy and procedure.

IT IS FURTHER ORDERED THAT based on the above discussion regarding Medicaid benefits, the MA benefit issue is DISMISSED pursuant to MAC R 400.906(1).



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

Date Signed: May 9, 2013

Date Mailed: May 9, 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 **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 affect the substantial rights of the claimant:
 - 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

JL/tm

cc |

