

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

IN THE MATTER OF:

██████████
██████████
████████████████████

Reg. No.: 2013-47338
Issue No.: 3002; 6043
Case No.: ██████████
Hearing Date: June 12, 2013
County: Oakland (03)

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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 12, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ APW, and ██████████, APW.

ISSUE

Did the Department properly calculate Claimant's benefits for the Food Assistance Program (FAP) and the Child Development and Care (CDC) program?

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 received benefits for FAP and CDC.
2. On April 29, 2013, Administrative Law Judge Jan Leventer ordered the Department to: Review and recalculate Claimant's earned and unearned income amounts, as of December 15, 2012 and all other relevant dates; Issue a new Notice of Case Action announcing the Department's decision as to eligibility and benefit levels for the FAP and CDC programs to Claimant; Provide retroactive and ongoing FAP and CDC benefits to Claimant as of December 15, 2012, and all other relevant dates, at the benefit levels to which she is entitled.

3. On May 9, 2013, Claimant filed a hearing request, stating that the Department did not properly calculate earned income and that the Notices of Case Action did not provide back dates.
4. At the hearing, the Department did not present complete budgets for FAP and CDC.
5. At the hearing, the Department did not present a new complete Notice of Case Action.

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.

In the present case, on April 29, 2013, Administrative Law Judge Jan Leventer ordered the Department to: Review and recalculate Claimant's earned and unearned income amounts, as of December 15, 2012 and all other relevant dates; Issue a new Notice of Case Action announcing the Department's decision as to eligibility and benefit levels for the FAP and CDC programs to Claimant; Provide retroactive and ongoing FAP and CDC benefits to Claimant as of December 15, 2012, and all other relevant dates, at the benefit levels to which she is entitled.

On May 9, 2013, Claimant filed a hearing request, stating that the Department did not properly calculate earned income.

At the hearing, the Department did not present for examination complete budgets for FAP and CDC, nor did it present for examination a new complete Notice of Case Action. Without these complete budgets and a Notice of Case Action for review, it cannot be concluded that the Department was correct in calculating the FAP and CDC benefit amounts.

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 improperly calculated Claimant's benefits for FAP and CDC.

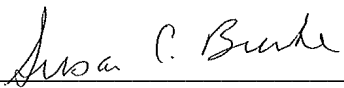
DECISION AND ORDER

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 not act properly.

Accordingly, the Department's FAP and CDC decision is REVERSED for the reasons stated within the record.

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

1. Review and recalculate Claimant's earned and unearned income amounts, as of December 15, 2012 and all other relevant dates.
2. Issue a new Notice of Case Action announcing the Department's decision as to eligibility and benefit levels for the FAP and CDC programs to Claimant.
3. Provide retroactive and ongoing FAP and CDC benefits to Claimant as of December 15, 2012, and all other relevant dates, at the benefit levels to which she is entitled.
4. All steps shall be taken in accordance with Department policy and procedure.



Susan C. Burke
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: June 13, 2013

Date Mailed: June 17, 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 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 at
Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

SCB/tm

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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