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

IN THE MATTER OF:

[redacted]

Reg. No.: 2013-49925
Issue Nos.: 2019, 3002, 5000
Case No.: [redacted]
Hearing Date: June 26, 2013
County: Macomb (20)

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 June 26, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included [redacted], Eligibility Specialist.

ISSUE

Due to excess income, did the Department properly ☒ deny the Claimant's application ☐ close Claimant's case ☒ reduce Claimant's benefits for:

☒ State Emergency Relief (SER)?
☒ Food Assistance Program (FAP)?
☒ Medical Assistance (MA)?
☐ Adult Medical Assistance (AMP)?
☐ State Disability Assistance (SDA)?
☐ 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:

☒ State Emergency Relief (SER).
☒ Food Assistance Program (FAP).
☒ Medical Assistance (MA).
☐ Adult Medical Assistance (AMP).
☐ State Disability Assistance (SDA).
☐ Child Development and Care (CDC).

2. On June 1, 2013, the Department ☒ approved Claimant's SER application; and, ☐ closed Claimant's case ☒ reduced Claimant's FAP and MA benefits due to excess income.

3. On May 16, 2013, the Department sent ☒ Claimant ☐ Claimant's Authorized Representative (AR) notice of the ☒ SER approval. ☐ closure. ☒ FAP and MA reduction.

4. On May 24, 2013, Claimant or Claimant's AHR filed a hearing request, protesting the ☒ approval of the SER application. ☐ closure of the case. ☒ reduction of FAP and MA benefits.

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 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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq*., and MCL 400.105.

☒ The State Emergency Relief (SER) program is established by 2004 PA 344. The SER program is administered pursuant to MCL 400.10, *et seq*., and by, 1999 AC, Rule 400.7001 through Rule 400.7049. Department policies are found in the State Emergency Relief Manual (ERM).

Additionally, the Department policy that is applicable to this case is Bridges Eligibility Manual (BEM) 500, "Income Overview." This policy requires the Department to calculate benefit amounts based on the family group's entire gross income. Department of Human Services Bridges Eligibility Manual (BEM) 500 (2013).

The following findings of fact and conclusions of law are entered in this case. Claimant received MA and FAP benefits. Unbeknownst to Claimant, his son Tyler was employed and earned income. Dept. Exh. 1, p. 2.

At some point the Department learned of the son's income and added the income into the income for Claimant's family group. The increase in the group income resulted in changes, i.e., decreases, in the Claimant's FAP and MA benefits.

Applying BEM 500 to this case, it is found and determined that the Department acted in accordance with policy and procedure when it lowered Claimant's FAP and MA benefits because of increased income. The fact that Claimant was unaware of the son's earnings does not change the Department's responsibility to include those earnings in its determination of Claimant's benefits. BEM 500. The Department shall be affirmed with regard to the action it took to decrease Claimant's FAP and MA benefits.

Next, with regard to Claimant's SER application, at the hearing the Department produced records to show that Claimant's SER application was in fact approved, and that the Department had made payments on behalf of Claimant. When Claimant learned of this, he testified he was satisfied with the Department's action. He then requested that the SER dispute be dismissed as an issue in his administrative hearing.

The Michigan Administrative Code 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.

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

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 application
☒ reduced Claimant's benefits
☐ closed Claimant's case

for: ☐ AMP ☐ FIP ☒ FAP ☒ MA ☐ SDA ☐ CDC.

Also, based upon the Claimant's request that his request for a hearing on the issue of SER benefits, and being fully advised that the Department has no objection, the SER issue shall be dismissed from this 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.

IT IS FURTHER ORDERED that Claimant's request for dismissal of the SER issue from the administrative hearing, is granted, and the SER relief requested is DISMISSED.

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

Date Signed: July 2, 2013

Date Mailed: July 2, 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

cc: [redacted]