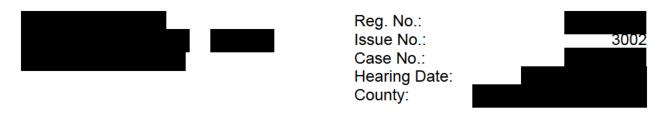
# STATE OF MICHIGAN MICHIGAN ADMINISTRATIVE HEARING SYSTEM ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES

#### IN THE MATTER OF:



ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

#### **HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claim ant's request for a hearing. After due notice, a telephone hearing was held on on behalf of Claimant included Participants on behalf of Department of Human Services (Department) included

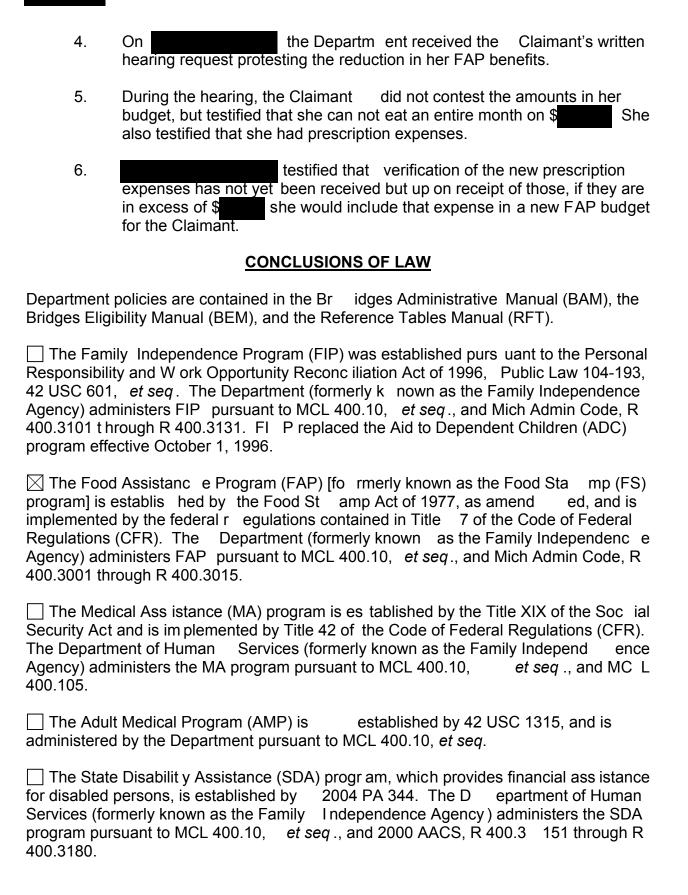
## <u>ISSUE</u>

Did the Department properly reduce the Claimant's F ood Assistance Program (FAP) benefits?

### FINDINGS OF FACT

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

- 2. On When the Claimant's FAP budget for the benef it period beginning reduced the Claimant 's monthly FAP allowance to because she no longer had medical expenses and had an increase in her RSDI income.
- 3. On section in her FAP benefits.





☐ The Child Development and Care (CDC) program is establis hed by Titles IVA, IVE
and XX of the Soc ial Security Act, the Ch ild Care and Developm ent 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 Fede ral Regulations, Parts 98
and 99. The Depart ment provides servic es to adults and children pursuant to MCL
400.14(1) and Mich Admin Code, R 400.5001 through R 400.5015.

Additionally, the Claimant does not cont est the amounts in the budget, which include her increase in RSDI and her lack of medical expens es. Departmental policy requires that all income be counted. The Admini strative Law Judge determines that the Department properly budgeted Claimant's income and expenses.

# **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 reco rd, finds that the Department did act properly.

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

/s/

Susanne E. Harris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: <u>02/25/2013</u>

Date Mailed: <u>02/25/2013</u>

**NOTICE**: Michigan Administrative Hearing Syst em (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a par ty within 30 days of the mailing date of this Dec ision and Order. MAHS will not or der a rehearing or reconsideration on the Department's mo tion where the final decis ion 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 ti mely 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:
  - misapplication of manual policy or law in the hearing decision,
  - typographical errors, mathematical e rror, 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
Recons ideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

#### SEH/kl

cc: