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

#### IN THE MATTER OF:



Reg. No.: 201322443 Issue No.: 3002

Case No.:

February 6, 2013

Hearing Date: County DHS: Midland

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 Claimant's request for a hearing. After due notice, a telephone hearing was held on February 6, 2013, from Lansing, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of Department of Human Services (Department) included Eligibility Specialist (ES),

### ISSUE

Did the Department properly take action to reduce the Claimant's monthly Food Assistance Program (FAP) allotment?

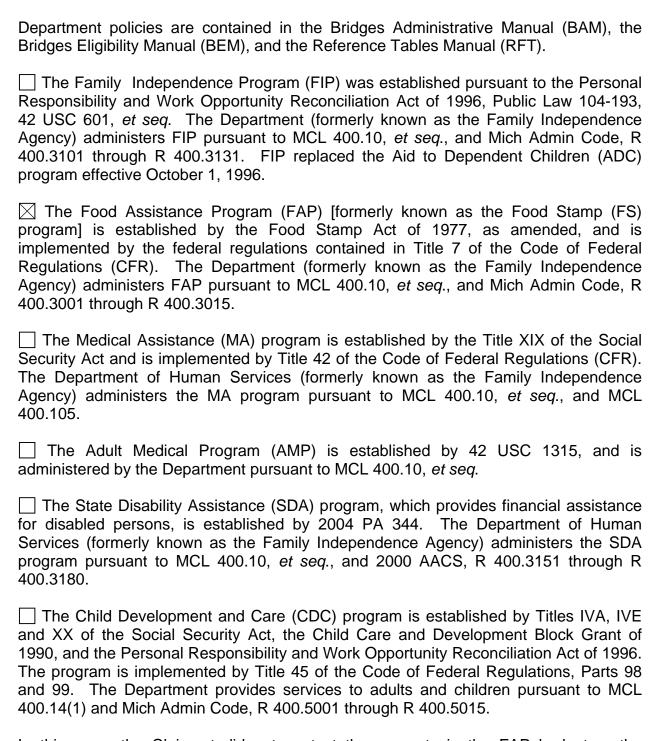
### FINDINGS OF FACT

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

- 1. On December 28, 2012, the Claimant's employer faxed the department a completed DHS-4635, New Hire Employment report and pay stub indicating that the Claimant earns \$ an hour on "casual status," meaning that she has no regular hours. Her first pay stub was for two weeks was for \$
- 2. On January 3, 2013, the ES added the reported income to the Claimant's FAP Budget and it resulted in a reduction in the Claimant's monthly FAP allotment from \$ to \$
- 3. On January 3, 2013, the Department notified the Claimant of the reduction in her monthly FAP allotment.

4. On January 14, 2013, the Department received the Claimant's written hearing request protesting the reduction in her monthly FAP allotment.

# **CONCLUSIONS OF LAW**



In this case, the Claimant did not contest the amounts in the FAP budget or the testimony of the Department. The Claimant testified that her status of employment was

"casual," and as such, her hours fluxuate. The Claimant stated that she has since not made near the amount of income that was computed into the budget in this case. The ES worker instructed the Claimant to report her income monthly and it would be considered on a monthly basis for determining her FAP allotment. The income is found to have been properly budgeted. The evidence therefore establishes that the Department was acting in accordance with its policy when taking action to reduce the Claimant's monthly FAP allotment.

## **DECISION AND ORDER**

The Administrative Law Judge, based upon the ab of Law, and for the reasons stated on the recor properly when reducing the Claimant's monthly FA	rd, finds that the Department did act
Accordingly, the Department's $\square$ AMP $\square$ FIP $\boxtimes$ is $\boxtimes$ <b>AFFIRMED</b> $\square$ REVERSED for the reasons s	
	<u>/s/</u>
	Susanne E. Harris Administrative Law Judge
	for Maura Corrigan, Director

Department of Human Services

Date Signed: February 26, 2013

Date Mailed: February 26, 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.

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- A reconsideration <u>MAY</u> 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

### SEH/kl

CC:

