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

### IN THE MATTER OF:

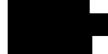


Reg. No.: 201334875 Issue No.: 3002

Issue No.: Case No.:

Hearing Date:

County DHS:



ADMINISTRATIVE LAW JUDGE: Kevin Scully

### **HEARING DECISION**

This matter is before the undersigned Admini strative 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 behalf of Claimant included Participants on behalf of Department of Human Services (Department) included and

# **ISSUE**

Did the Department properly determine the Claimant's eligibility for the Food Assistance Program (FAP) in a timely manner?

# FINDINGS OF FACT

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

- 1. The Claimant is an ongoing Food Assistance Program (FAP) recipient.
- 2. On Contact Report (DHS-1046) with a due date of
- 3. On the Department received the Claimant's completed Semi-Annual Contact Report that in cluded notice that employment had ended.
- 4. On Employment (DHS-38) with a due date of

5.	The Department received the Claim ant's Verification of Employ ment on that included notice t hat employm ent had ended on
6.	On the Department notified the Claimant that her Food Assistance Program (FAP) benefits would increase due to a loss of income.
7.	On the partment received the Claimant's request for a hearing, protesting the amount of her Food Assistance Program (FAP) benefits before the control of the partment received the Claimant's request for a hearing, protesting the amount of her Food Assistance Program (FAP) benefits before the control of the partment received the Claimant's request for a hearing, protesting the amount of her Food Assistance Program (FAP) benefits before the control of the partment received the Claimant's request for a hearing, protesting the amount of her Food Assistance Program (FAP) benefits before the control of the partment received the Claimant's request for a hearing, protesting the amount of her Food Assistance Program (FAP) benefits before the control of the partment received the Claimant's request for a hearing, protesting the amount of her Food Assistance Program (FAP) benefits before the control of the partment received the control of the partment received the partment rec
	CONCLUSIONS OF LAW
	policies are contained in the Br idges Administrative Manual (BAM), the pility Manual (BEM), and the Reference Tables Manual (RFT).
Responsibilit 42 USC 601, Agency) adm 400.3101 t hr	ly Independence Program (FIP) was established purs uant to the Personal y and W ork Opportunity Reconc iliation Act of 1996, Public Law 104-193, et seq. The Department (formerly k nown as the Family Independence inisters FIP pursuant to MCL 400.10, et seq., and Mich Admin Code, R rough R 400.3131. FI P replaced the Aid to Dependent Children (ADC) ctive October 1, 1996.
program] is e implemented Regulations ( Agency) adm	Assistanc e Program (FAP) [fo rmerly known as the Food Sta mp (FS) establis hed by the Food St amp Act of 1977, as amend ed, and is by the federal regulations contained in Title 7 of the Code of Federal (CFR). The Department (formerly known as the Family Independence inisters FAP pursuant to MCL 400.10, et seq., and Mich Admin Code, Rough R 400.3015.
Security Act The Departm	cal Ass istance (MA) program is es tablished by the Title XIX of the Soc ial and is implemented by Title 42 of the Code of Federal Regulations (CFR). Lent of Human Services (formerly known as the Family Independ ence hinisters the MA program pursuant to MCL 400.10, et seq., and MC L
	Medical Program (AMP) is established by 42 USC 1315, and is by the Department pursuant to MCL 400.10, et seq.
for disabled p Services (for	Disabilit y Assistance (SDA) program, which provides financial assistance persons, is established by 2004 PA 344. The D epartment of Human merly known as the Family Independence Agency) administers the SDA suant to MCL 400.10, et seq., and 2000 AACS, R 400.3 151 through R

☐ The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Soc ial 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 Mich Admin Code, R 400.5001 through R 400.5015.

Clients must report changes in circumstance that pot entially affect eligibility or benefit amount within 10 days of receiving the first payment reflecting the change. Department of Human Services Bridges Assistance Manual (BAM) 1055 (March 1, 2013), p 7.

Income reporting requirements are limited to the following:

- Earned income:
  - Starting or stopping employment.
  - Changing employers.
  - Change in rate of pay.
  - Change in work hours of week that is expected to continue for more than one month.
- Unearned income:
  - Starting or stopping a source of unearned income.
  - Change in gross monthly income of more than \$50 since the last reported change.

# Other changes:

- Persons in the home.
- Marital status.
- Address and shelter cost changes that result from the move.
- Vehic les.
- Assets.
- Child support expenses paid.
- · Health or hospital coverage and premiums.
- Day care needs or providers. BAM 105.

Income decreases that result in a benefit increase must affect the month after the month the change is reported or o ccurred, whichever is earlie r, provided the change is reported timely. Do not process a change for a month earlier than the month the change occurred. Supplements are not issued to correct underissuances caused by the group's failure to report timely. Department of Human Services Bridges Eligibility Manual (BEM) 505 (October 1, 2010), p 8.

Date Mailed: 04/22/2013

In this cas e, the Claimant was an ongoing Food Assistance Program (FAP) recipient. The Claimant had a loss of inc ome when employment ends on loss of income is a circumstance that affe cts a person's eligibility to receive Food Assistance Program (FAP) benefits. The Department received notification from the Claimant of a loss of income on loss of income on loss of employment. On loss of employment the Department received verification that the Claimant's employment ended on loss of employment the Department increased the Claimant's monthly Food Assistance Program (FAP) allotment as of
Based on the evidence and test imony available during the hear ing, this Administrative Law Judge finds that the Claimant failed to report her loss of employment in a timely manner because it was not reported to the Department within 10 days. When the Department prompted the Claimant to provide an update to her circumstances, the Claimant returned the requested information on the due dates. Department policy does not require supplements to be issued to correct underissuances caused by a client's failure to report timely. Therefore, the Department properly applied its policies to the Claimant's circumstances when it determined that the Claimant was eligible for an increased Food Assistance Program (FAP) benefits as of
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 when it determined the Claimant's Food Assistance Program (FAP) eligibility as of
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**NOTICE**: Michigan Administrative Hearing S ystem (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 evid ence 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
Recons ideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

KS/kl

