

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201349294
Issue No.: 3015
Case No.: [REDACTED]
Hearing Date: June 26, 2013
County: Washtenaw

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on June 26, 2013. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly close Claimant's Food Assistance Program (FAP) for excess income on June 1, 2013?

FINDINGS OF FACT

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

- (1) Claimant was an ongoing recipient of Food Assistance Program (FAP) benefits. Claimant's benefit group includes Earnest Bentley.
- (2) On March 6, 2013, Mr. Bentley received \$ [REDACTED] of [REDACTED] [REDACTED] for the weeks ending February 23 and March 2, 2013.
- (3) On March 16, 2013, [REDACTED] received \$ [REDACTED] of [REDACTED] [REDACTED] for the week ending March 16, 2013.
- (4) On April 4, 2013, Mr. Bentley received \$ [REDACTED] of [REDACTED] [REDACTED] for the weeks ending March 23 & 30, 2013.

- (5) On April 4, 2013, ██████ received a paycheck for the pay period March 24-30, 2013. The pay check was for ██████ hours of work. In the year to date section of the pay check stub it shows that ██████ had been paid for ██████ hours of work.
- (6) On April 25, 2013, Claimant submitted a change report that a benefit group member began employment on March 24, 2013.
- (7) On May 5, 2013, Claimant was sent a Notice of Case Action (DHS-1605) which stated ██████ Food Assistance Program (FAP) would end on June 1, 2013 due to excess income.
- (8) On May 13, 2013, Claimant submitted a request for hearing.

CONCLUSIONS OF LAW

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 of Human Services (DHS or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

The Food Assistance Program (FAP) financial eligibility budget used to determine that Claimant's benefit group was excess income includes both earned income and Unemployment Compensation Benefits (UCB) for ██████. Claimant asserts that ██████ is no longer receiving ██████ because he is working. A Unemployment Compensation Benefits (UCB) inquiry was run the day of this hearing and shows that the last ██████ received was on April 4, 2013. The inquiry also shows that ██████ still has 5 weeks of ██████ benefits remaining. Overlaps in ██████ and earned income frequently occur due to the lag time in action taken on reported information. The evidence in this record clearly shows that on May 8, 2013, ██████ was no longer receiving ██████. The Food Assistance Program (FAP) eligibility determination made on May 8, 2013 should not include Unemployment Compensation Benefits (██████) for ██████.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services DID NOT properly close Claimant's Food Assistance Program (FAP) for excess income on June 1, 2013.

It is ORDERED that the actions of the Department of Human Services, in this matter, are REVERSED.

It is further ORDERED that Claimant's Food Assistance Program (FAP) be reinstated and her eligibility beginning June 1, 2013 be recalculated in accordance with Department policy to include supplementing any benefits otherwise eligible for but not received due to this Departmental action.

/s/

Gary F. Heisler
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 7/2/13

Date Mailed: 7/2/13

NOTICE: Administrative Hearings 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. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 60 days of the filing of the original request.

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 effect the substantial rights of the claimant;
- the failure of the ALJ to address other relevant issues in the hearing decision

201349294/GFH

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

GFH/tb

cc:

