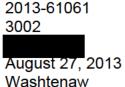
STATE OF MICHIGAN MICHIGAN ADMINISTRATIVE HEARING SYSTEM ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: Issue No.: Case No.: Hearing Date: County:



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 <u>telephone</u> hearing was held on August 27, 2013, from Lansing, Michigan. Participant s on behalf of Claimant included and and her husband, and her husband, Participants on behalf of Department of Human Services (Department) included Assistance Payments Supervisor, and and Assistance Payments Worker, and Assi

ISSUE

Did the Department pr operly reduce the Claimant's mont hly Food Assistance Program (FAP) allotment?

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 was an ongoing recipi ent of monthly FAP benefit s in the amount of \$
- 2. On July 1, 2013, the Claimant reported a change in work hours.
- 3. On July 15, 2013, the Claimant's case was updated to reflect the change.
- 4. On July 15, 2013, the Claimant was sent a DHS-1605, Notice of Cas e Action informing her that her monthly FAP allotment had been reduced to

5. On July 25, 2013, the Claimant f iled a written he aring request protesting the reduction in her monthly FAP allotment.

CONCLUSIONS OF LAW

Department policies are contained in the Br idges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

☐ The Family Independence Program (FIP) was established purs uant to the Personal Responsibility and W ork Opportunity Reconc iliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq*. The Department (formerly k nown as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq*., and Mich Admin Code, R 400.3101 t hrough R 400.3131. FI P replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

The Food Assistanc e Program (FAP) [for merly 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 Mich Admin Code, R 400.3001 through R 400.3015.

The Medical Ass istance (MA) program is es tablished by the Title XIX of the Soc ial Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independ ence Agency) administers the MA pr ogram pursuant to MCL 400.10, *et seq*., and MC L 400.105.

The Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq*.

The State Disabilit y Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The D epartment of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq*., and 2000 AACS, R 400.3 151 through R 400.3180.

☐ 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 Feder al 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.

In this case, the Claimant did not contes t the amount of money that the employers reported that she and her husba nd earned. Initially, the Claimant objected to any ch ild support income being counted as she testified she did not receive it regularly. However, when asked, she did also test ify that **\$ _____** of monthly, child support income is an average of what she does receive.

The Administrative Law Judge understood the Claimant's main objection to be that her household now ear ned less income and she fe It her budget should reflect that retroactively, as opposed to the lower inco me being prospected forward. Bridges Eligibility Manual (BEM) 505 (2010) p. 8, provides that when there is an incom e decrease that results in a benefit increase it must affect the month after the month the change is reported or occurred, whichever is earlier, provided the change is reported timely. In this case, the Claimant report ed an income increase on July 1, 2013 and she was notified on July 15, 2013 that it would affect her benefit on August 1, 2013.

That the Claimant later protests in her hearing request submitted July 25, 2013 that she is earning less does not equate into the Department worker being r equired to retroactively adjust the Claimant's budget. The Department worker has a month, per policy, to process that change. As the Claimant's income is found to have been properly calculated, particular ly as the Claimant conceded on the record that her child support income was likely ac curately av eraged, the Administrative Law Judge concludes that when the Department took action to reduce the Claimant's monthly FAP allotment due to increased income, it was acting in accordance with its policy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law finds that the Department 🖾 did act properly when taking action to reduce the Claimant's monthly FAP allotment. 🗌 did not act properly when.

Accordingly, the Department's	AMP 🗌 FIP 🖾 FAP [CDC decision
is 🖾 AFFIRMED 🗌 REVERSED.		

/s/

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

Date Signed: August 29, 2013

Date Mailed: August 29, 2013

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 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 erro r, 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/tb



