

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

IN THE MATTER OF:

██████████
██████████████████
██████████

Reg. No.: 20146651
Issue No(s): 3015
Case No.: ██████████
Hearing Date: November 19, 2013
County: Buchanan

ADMINISTRATIVE LAW JUDGE: Michael S. Newell

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on November 19, 2013, from Lansing, Michigan. Participants on behalf of Claimant included Claimant and her assistant, ██████████. Participants on behalf of the Department of Human Services (Department) included Michelle Laux, Jet Case Manager

ISSUE

Due to excess income, did the Department properly deny the Claimant's application close Claimant's case reduce Claimant's benefits for:

- | | |
|--|---|
| <input type="checkbox"/> Family Independence Program (FIP)? | <input type="checkbox"/> Adult Medical Assistance (AMP)? |
| <input checked="" type="checkbox"/> Food Assistance Program (FAP)? | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input type="checkbox"/> Medical Assistance (MA)? | <input type="checkbox"/> Child Development and Care (CDC)? |

FINDINGS OF FACT

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

1. Claimant applied for received:
 FIP FAP MA AMP SDA CDC
benefits.
2. On October 1, 2013 the Department denied Claimant's application closed Claimant's case reduced Claimant's FAP Benefits from ██████████ per month to ██████████ per month due effective November 1, 2013, to excess income.

3. On October 1, 2013, the Department sent Claimant/Claimant's Authorized Representative (AR) its decision.
4. On October 5, 2013 the Department denied Claimant's application closed Claimant's case reduced Claimant's FAP Benefits from [REDACTED] per month to [REDACTED] per month effective November 1, 2013, due to excess income.
5. On October 5, 2013, the Department sent Claimant/Claimant's Authorized Representative (AR) its decision.
6. On October 15, 2013, Claimant/Claimant's Authorized Hearing Representative (AHR) filed a hearing request, protesting the Department's actions.
7. The FAP group included Claimant at all times relevant.
8. Both changes would have been effective November 1, 2013.
9. At all times relevant before October 1, 2013 the Department calculated Claimant's monthly housing costs at [REDACTED]
10. The October 1, 2013 reduction in monthly FAP benefits from [REDACTED] to [REDACTED] occurred due to the Department correcting Claimant's rental costs.
11. Claimant's housing costs were [REDACTED] during the relevant time period (Exhibit 1) rather than the [REDACTED] previously calculated.
12. The October 5, 2013, reduction in monthly FAP benefits from [REDACTED] to [REDACTED] occurred because "extra benefits provided by the federal government's American Recovery and Reinvestment Act of 2009, sometimes called the stimulus, have ended.
13. Relative to Department determined Claimant's Net Income to be [REDACTED] based on the following information:
 - a. Total income of [REDACTED] per month
 - b. Standard deduction of [REDACTED]
 - c. Excess Shelter Deduction of [REDACTED].
14. The Department determined Claimant's excess shelter deduction as follows:
 - a. Adding a heat and utility standard of [REDACTED] to Claimant's rent.
 - b. Deducing 50% of Claimants Adjusted Gross Income, or [REDACTED] from her total shelter amount.

CONCLUSIONS OF LAW

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

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131.

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 271.1 to 285.5. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10 and Mich Admin Code, R 400.3001 to .3015.

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act, 42 USC 1396-1396w-5, and is implemented by 42 CFR 400.200 to 1008.59. The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10 and MCL 400.105.

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

The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, 42 USC 601-619, 670-679c, and 1397-1397m-5; the Child Care and Development Block Grant of 1990, PL 101-508, 42 USC 9858 to 9858q; and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193. The program is implemented by 45 CFR 98.1-99.33. The Department administers the program pursuant to MCL 400.10 and provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001-.5020.

Additionally, the Department properly determined Claimant's net monthly income after deductions to be [REDACTED]. The Claimant's Standard Deduction of [REDACTED], and excess shelter deduction of RFT 255 allows for a Standard Deduction of [REDACTED] for a FAP group of one to three persons. The Excess Shelter deduction of [REDACTED] property reflected the housing cost and utility deduction, minus 50% of Adjusted Gross Income.

RFT 260 provides that a FAP group of 1, with a Net monthly income after deductions of [REDACTED], would be eligible for [REDACTED] per month in FAP benefits. The Department did not err in determining Claimant's monthly FAP benefits.

Claimant testified that she needed more food benefits because of her special diet due to [REDACTED] and to feed her child. I am aware of no policy that allows food benefits to be increased due to Claimant's diet, and food benefits must be calculated solely based on applicable law and policy. Claimant's child is not a member of the FAP group, so benefits cannot be increased based on this.

Claimant did not challenge the reduction caused by a change in federal benefits during the hearing. In any event, I do not have jurisdiction (authority) to address such an issue.

Regulations governing the hearing and appeal process for recipients of Food Assistance Program (FAP) benefits in Michigan who, as a group, are affected by a federal or state initiated change in the law affecting all recipients are found in 7 CFR 273.12(e) and Mich Admin Code, R 400.901 through R 400.951. Rule 400.903(3), in pertinent part, states:

A hearing shall not be granted when either state or federal law requires automatic grant adjustments for classes of recipients, unless the reason for an individual appeal is incorrect grant computation.

See also Bridges Administrative Manual (BAM) which articulates policies regarding the hearing process. The Michigan Administrative Hearing System will **not** grant a hearing regarding the issue of a mass update required by state or federal law **unless** the reason for the request is an issue of incorrect calculation of program benefits or patient-pay amount. BAM 600.

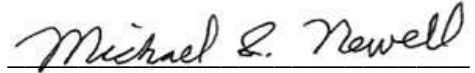
The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department

acted in accordance with Department policy when it reduced Claimant's monthly FAP benefits from \$200 to \$52..

DECISION AND ORDER

Accordingly, the Department's decision is

AFFIRMED.



Michael S. Newell
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 11/26/2013

Date Mailed: 11/27/2013

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

MSN/pw

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]