

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

IN THE MATTER OF:

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

Reg. No.: 2014-6934
Issue Nos.: 2006, 3008
Case No.: ██████████
Hearing Date: November 21, 2013
County: Wayne (82-41)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 21, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant ██████████
██████████ Participants on behalf of the Department of Human Services (Department) included ██████████
████████████████████

ISSUES

1. Did the Department properly issue Claimant Food Assistance Program (FAP) benefits because on her compliance with child support reporting obligations?
2. Did the Department properly provide Medical Assistance (MA) coverage to the household?

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 was an ongoing recipient of FAP and MA benefits.
2. On October 9, 2013, the Department sent Claimant a Notice of Case Action notifying her that MA for her infant son was being denied because he was eligible under another case number and that her FAP benefits were being reduced effective November 1, 2013.

3. On October 15, 2013, Claimant filed a hearing request concerning her FAP and MA cases.

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), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

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.

Additionally, Claimant requested a hearing concerning her FAP and MA cases.

There are four members of Claimant's household: Claimant, her living-together-partner (LTP) and her two minor children. At the hearing, the Department explained that, after its system showed that Claimant was noncompliant with her child support reporting obligations, it sent Claimant an October 9, 2013, Notice of Case Action informing her that, effective November 1, 2013, it was removing her from her FAP group and reducing the household's FAP benefits based on the decreased group size. However, Claimant was reported as compliant with her child support reporting obligations on October 25, 2013. The Department established that, on October 26, 2013, it sent Claimant another Notice of Case Action notifying her that, effective November 1, 2013, her group size was increasing to four and her FAP benefits were increasing based on the increased household size. (Exhibit 4, pp. 1, 4) Because Claimant continued to receive FAP benefits for a FAP group size of four and there were no FAP benefits issued based on a group size of three, Claimant was not negatively impacted by the child support noncompliance. See Mich Admin Code R 400.903(1).

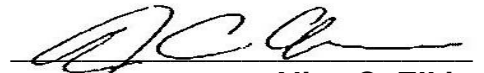
Although Claimant's hearing request also indicated a concern that her rent was not being budgeted, the budget on the October 25, 2013, Notice of Case Action showed that the Department was budgeting \$600 in monthly shelter expenses, which Claimant confirmed was her monthly rent. Claimant did not raise any other concerns regarding her FAP benefits in her hearing request. Under the facts presented, the Department acted in accordance with Department policy when it calculated Claimant's FAP benefits.

In her hearing request, Claimant also expressed concerns regarding the MA coverage for the household members based on conflicting notices of case action sent to her. At the hearing, the Department established that the children had MA cases separate from Claimant's but that Claimant, the LTP and the two minor children were all active MA recipients.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that Claimant was not aggrieved by the Department's actions concerning her FAP and MA benefits.

DECISION AND ORDER

Accordingly, the Department's FAP and MA decisions are AFFIRMED.


Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: November 25, 2013

Date Mailed: November 25, 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:

2014-6934/ACE

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

ACE/pf

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