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

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		Reg. No.: Issue No.: Case No.:	2014-10520 3003						
		Hearing Date: County:	December 5, 2013 Muskegon						
	ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie								
	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 Thursday, December 5, 2013, from Lansing, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included Kelly Curow, FIM.								
<u>ISSUE</u>									
	Due to excess income, did the Department properly \square deny the Claimant's application \square close Claimant's case \boxtimes reduce Claimant's benefits for:								
	☐ Family Independence Program (FIP)?☐ Food Assistance Program (FAP)?☐ Medical Assistance (MA)?	Adult Medical Assistance (AMP)? State Disability Assistance (SDA)? 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:									
	 Claimant ☐ applied for ☐ received: ☐ FIP ☐ FAP ☐ MA ☐ AMP ☐ benefits. 	SDA 🗌 CDC							
	 On October 7, 2013, the Department ☐ de ☐ closed Claimant's case ☒ reduced Claim due to excess income and changes in federa 	nant's benefits	•						

- 3. On October 7, 2013, the Department sent Claimant/Claimant's Authorized Representative (AR) its decision.
- 4. On October 25, 2013, Claimant/Claimant's Authorized Hearing Representative (AHR) filed a hearing request, protesting the Department's actions.

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 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 9858g; 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 Claimant had a decrease in FAP benefits due to changes in Federal FAP annual standards. The utility standard was decreased from \$575 to \$553. In addition, the economic recovery amount standard was deleted to \$0 from \$95. As a result, the Claimant had a decrease in her FAP benefits. In addition, the Claimant had an increase in earned income and in child support income that resulted in a decrease in FAP from to Department Exhibit 23-45, 13-15, and 2-12.

As a result of excess income, the Claimant had a decrease in FAP benefits. The Claimant had 4 in earned income and in unearned income from child support. After deductions from her total income amount of of an earned income deduction of and a standard deduction for an adjusted gross income of and a standard deduction for an adjusted gross income of and housing expense of and heat and utility standard of with a total shelter deduction of minus 50% of adjusted gross income of with a total shelter deduction of minus 50% of adjusted gross income of minus form the Claimant had a net income which was the adjusted gross income of minus the excess shelter deduction of minus form. With a net income of the claimant qualified with a household group size of 5 for a maximum benefit of plus \$0 in economic recovery minus 30% of net income of 3, resulting in a net benefit amount of Department Exhibit 46 and a. BEM 500, 550, and 554...

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 when it reduced the Claimant's FAP benefits due to changes in Federal FAP annual standards and excess income.

DECISION AND ORDER

Accordingly, the Department's decision is

 \boxtimes AFFIRMED.

Carmen G. Fahie
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: <u>12/13/2013</u>

Date Mailed: <u>12/13/2013</u>

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

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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

CGF/pw

