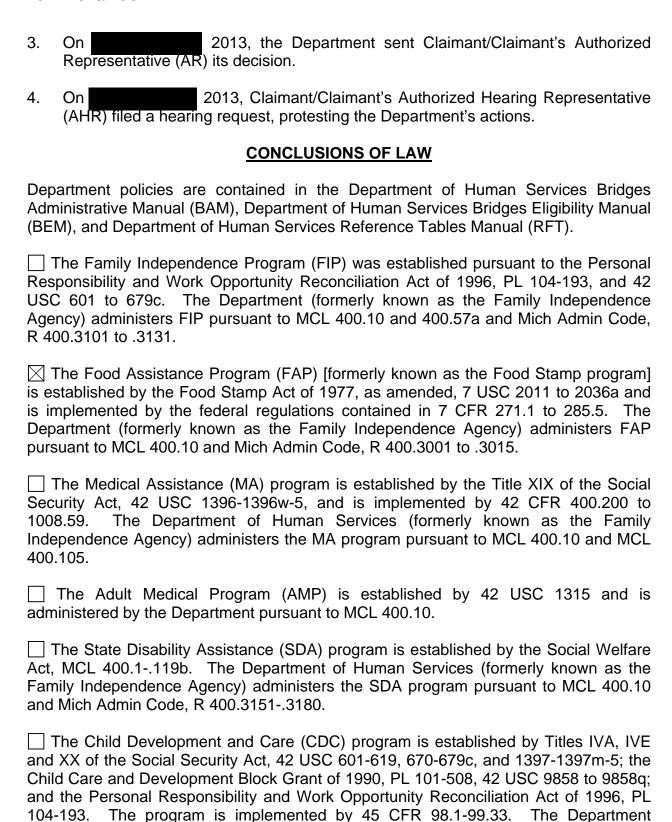
STATE OF MICHIGAN MICHIGAN ADMINISTRATIVE HEARING SYSTEM ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES

DEL ARTIMENT OF HOMAN GENTIGES		
IN THE MATTER OF:		
	Reg. No.: Issue No.: Case No.: Hearing Date: County:	20144620 3002; 3003 November 18, 2013 Oakland (02)
ADMINISTRATIVE LAW JUDGE: Robert J. Chavez		
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 18, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Participants on behalf of the Department of Human Services (Department) included Included Participants.		
Due to excess income, did the Department properly ☐ deny the Claimant's application ☐ close Claimant's case ☒ reduce Claimant's benefits for:		
Food Assistance Program (FAP)?		sistance (AMP)? ssistance (SDA)? nt 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 ☐ September of the series of the ser	SDA CDC	

On 2013, the Department denied Claimant's application closed Claimant's case reduced Claimant's benefits

2.

due to excess income.



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, when determining eligibility for FAP benefits, the household's total income must be evaluated. All earned and unearned income of each household member must be included unless specifically excluded. BEM, Item 500.

In the current case, claimant returned a new hire notice stating that his current income and employment was temporary and is income would be reduced. Claimant returned paychecks to the Department has verification; the last of these paychecks was consistent with claimant's stated employment end date of 2013. At the very least, claimant's submitted information was inconsistent with the report that the Department received indicating continued employment and required further verification as to whether claimant had consistent income.

BAM 130 and BEM 505 requires income verification when reported factors are inconsistent or contradictory. The Department did not send a verification request to the claimant to make a determination as to claimant's actual income status, and budgeted claimant's FAP case as if claimant had steady consistent employment. Therefore, as claimant's income eligibility was in doubt, the Department should have sent a verification request, and was in error when it did not do so, and established an FAP budget for the claimant without income verification.

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

did not act in accordance with Department policy when it reduced claimant's benefits without establishing whether claimant's current income was temporary.

failed to satisfy its burden of showing that it acted in accordance with Department policy when it

DECISION AND ORDER

Accordingly, the Department's decision is

AFFIRMED.

REVERSED.

AFFIRMED IN PART with respect to and REVERSED IN PART with respect to

☑ THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER: 1. Verify claimant's earned income during the time period in question and recalculate claimant's FAP budget retroactive to the date of the negative action.

Robert J. Chavez
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 11/27/2013

Date Mailed: <u>11/27/2013</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 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

RJC/hw

cc: