

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201331237
Issue No.: 3002
Case No.: [REDACTED]
Hearing Date: March 21, 2013
County: Macomb 20

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 Claimant's request for a hearing. After due notice, a telephone hearing was held on March 21, 2013, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of Department of Human Services (Department) included Eligibility Specialist (ES) [REDACTED], who was presenting for her absent colleague, ES [REDACTED].

ISSUE

Did the Department properly take action to reduce the Claimant's monthly Food Assistance Program (FAP) allotment?

FINDINGS OF FACT

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

1. The Claimant was an ongoing recipient of monthly FAP benefits in the amount of \$ [REDACTED]
2. On January 15, 2013, the Department sent the Claimant notice that his monthly FAP benefits would be reduced to \$ [REDACTED]. This allotment amount was computed in error.
3. On January 24, 2013, the Department sent the Claimant notice that his monthly FAP allotment had been increased to \$ [REDACTED]
4. On February 20, 2013, the Department received the Claimant's written hearing request protesting the ultimate reduction in his monthly FAP benefits.

CONCLUSIONS OF LAW

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

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3101 through R 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

The Food Assistance Program (FAP) [formerly 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 Assistance (MA) program is established by the Title XIX of the Social 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 Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, 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, *et seq.*

The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department 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 400.3151 through R 400.3180.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development 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 Federal Regulations, Parts 98 and 99. The Department provides services 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's first FAP budget resulting in the \$ [REDACTED] allotment contained an error regarding his [REDACTED] deduction. The Claimant's second FAP budget resulting in the \$ [REDACTED] allotment cured this error, but also did not provide for a rental deduction. The Claimant contested that he did not submit verification of his [REDACTED] and maintained that he returned it with his redetermination. The ES at the hearing could not say when the redetermination occurred. When asked why it was that the Claimant's FAP was reduced from \$ [REDACTED] to \$ [REDACTED] the ES at the hearing could not say. There is no evidence of increased income.

The ES who completed the Claimant's redetermination was not present at the hearing and could not address whether or not the Claimant submitted proof of a rental expense at that time. Furthermore, the ES who completed the Claimant's budget indicates in her hearing summary, "The client never submitted proof of [REDACTED]. The client did not receive the standard deduction for the [REDACTED] that they are claiming." At a minimum, the ES was aware that the Claimant maintained that he had a [REDACTED] [REDACTED]. There is no evidence of the Claimant being given a Shelter Deduction form or a DHS-3503, Verification Checklist specifying what he would be required to produce as acceptable verification of his rental expense.

Bridges Administrative Manual (BAM) 130 (2012) pp. 2, 3 provides that the Claimant's worker tell the Claimant what verification is required, how to obtain it, and the due date for such verification using the DHS-3503, Verification Checklist. Furthermore, though the Claimant must obtain required verification, but the Department's worker must assist if they need and request help. In this case, there is no evidence in the record that the ES who took the action ever issued the Claimant a DHS-3503, Verification Checklist instructing the Claimant what to provide as verification of his rental expense. Furthermore, the ES who took the action was not present at the hearing to address the Claimant's statement that he provided verification of his rental expense at redetermination. Therefore, the Administrative Law Judge concludes that the evidence does not establish that the Department was acting in accordance with its policy when taking action to reduce the Claimant's monthly FAP allotment.

DECISION AND ORDER

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

Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is AFFIRMED REVERSED.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Initiate action to issue the Claimant a DHS-3503, Verification Checklist instructing the Claimant what to provide as proper verification of his rental expense, and
2. Then initiate action to redetermine the Claimant's eligibility for FAP back to February 1, 2013, and

3. Issue the Claimant any supplements he may thereafter be due.

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

Date Signed: 3/22/13

Date Mailed: 3/22/13

NOTICE: 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)

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 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 **MAY** be granted if there is newly discovered evidence 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 error, 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
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

SEH/tb

cc:

