

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201349957
Issue No.: 2000, 3015, 6019
Case No.: [REDACTED]
Hearing Date: June 26, 2013
County: Oakland County (#03)

ADMINISTRATIVE LAW JUDGE: MICHELLE HOWIE

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's May 21, 2013 request for a hearing. After due notice, a telephone hearing was conducted on Wednesday, June 26, 2013, from Detroit, Michigan. The Claimant appeared and testified. Participants on behalf of Department of Human Services (Department) included [REDACTED] (Assistant Payment Supervisor) and [REDACTED] (Eligibility Specialist).

ISSUE

Due to excess income, did the Department properly deny the Claimant's application and determine 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 checked="" 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. On May 6, 2013 Claimant applied for 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 checked="" type="checkbox"/> Child Development and Care (CDC). |

2. On May 15, 2013, the Department denied Claimant's application closed Claimant's case reduced Claimant's benefits due to excess income.
3. On May 15, 2013, the Department sent Claimant notice of the denial. closure. reduction,
4. On May 21, 2013, Claimant filed a hearing request, protesting the denial of the application. closure of the case. reduction of benefits.

CONCLUSIONS OF LAW

As a preliminary matter, the Department acknowledged the Claimant's Medical Assistance case was closed in error. The MA program was reinstated to the effective date of closure June 1, 2013. As a result the MA issue was resolved prior to hearing. The Claimant testified she was satisfied with the action taken in regards to the MA program and did not wish to proceed on that issue. Therefore, the MA issue is dismissed.

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

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 1997 AACS R 400.3001-3015.

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 1997 AACS R 400.5001-5015.

In determining eligibility for the various programs all countable earned and unearned income available is considered in determining a Claimant's eligibility for program benefits. All income is converted to a monthly amount. BEM 505 (October 2010), p. 1. A standard monthly amount must be determined for each income source used in the budget. BEM 505, p. 1. Weekly benefit amounts are converted to a monthly amount by multiplying the weekly amount by 4.3. BEM 505, p. 6. Bi-weekly amounts are converted by multiplying the amount by 2.15. BEM 505, p. 6. Here, Claimant submitted three paystubs that were used to compute her gross monthly income. She verified the paystub amounts were accurate but that her work hours fluctuate. The Department determined Claimant's countable monthly income is \$1,698.00. The gross monthly income limit for a group size of 2 is \$1607.00 for CDC eligibility. RFT 270 (October

2011). As a result Claimant failed the CDC income test because her income exceeded the income limit for the CDC program at the time of application.

Additionally, on the May 15, 2013 Notice of Case Action, the Claimant's FAP benefits were pended to close based on a previous failure to provide verifications. The Department subsequently corrected the action, and on May 22, 2013 sent another Notice of Case Action denying the CDC benefits for excess income but approving the FAP benefits in the amounts of \$119 effective May 6, 2013 and \$144 as of June 1, 2013 and ongoing. Claimant disputes the FAP allotment amount. A review of the FAP budget shows that the Department properly applied the \$148 standard deduction applicable to a FAP group size of two, the \$575 standard heat and utility deduction available to all FAP recipients and the correct housing obligation of \$617. The group's net income after all applicable deductions is \$741.00. Based on the net income the allowable benefit amount for a group of three is \$144.00. RFT 250 (November 2012). Therefore, the Department established it acted in accordance with policy when it determined the Claimant's 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 did not act properly when it denied Claimant's CDC application and determined the FAP allotment amount.

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

M. Howie

Michelle Howie
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 7/5/2013

Date Mailed: 7/5/2013

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.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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

MH/hw

cc:

