

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

IN THE MATTER OF:

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

Reg. No.: 2013-56799
Issue No.: 2001; 3015
Case No.: ██████████
Hearing Date: August 8, 2013
County: Macomb #12

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 Hearing. After due notice, a telephone hearing was held on Thursday, August 8, 2013, from Lansing, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of Department of Human Services (Department) included, Steven Bremerkamp, APS.

ISSUE

With respect to the Adult Medical Assistance (AMP) Program and the Food Assistance Program (FAP), did the Department properly deny Claimant's application reduce Claimant's benefits close Claimant's case?

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 applied for was a recipient of AMP and FAP benefits.
2. Claimant was was not living with a spouse during the time period in question.
3. The Claimant had earned income that the department was required to count and budget to determine continued eligibility for FAP and MA.
4. The Department reduced the Claimant's FAP benefits closed Claimant's AMP case due to excess income.
5. On July 2, 2013, the Department sent notice of the FAP reduction AMP closure to Claimant.
6. On July 8, 2013, Claimant filed a hearing request, protesting the FAP reduction. AMP closure.

CONCLUSIONS OF LAW

The Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq.* Department 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 AACRS R 400.3001-3015.

Additionally, the Claimant was a recipient of earned income of [REDACTED]. Department Exhibit 2-7.

As a result of excess income, the Claimant had a decrease in FAP benefits. After deductions from his gross income of [REDACTED], of [REDACTED] in earned income deduction, and a [REDACTED] standard deduction, for an adjusted gross income of [REDACTED]. The Claimant was given a total shelter deduction of [REDACTED], resulting from a housing expense of [REDACTED] and heat and utility standard of [REDACTED]. The Claimant was given an adjusted excess shelter deduction of [REDACTED], with a total shelter deduction of [REDACTED]5 minus [REDACTED] of adjusted gross income of [REDACTED]. The Claimant had a net income of [REDACTED], which was the adjusted gross income of [REDACTED] minus the excess shelter deduction of [REDACTED]. With a net income of [REDACTED], the Claimant qualified with a household group size of 1 for a maximum benefit of [REDACTED] plus [REDACTED] in economic recovery minus [REDACTED] of net income of [REDACTED], resulting in a net benefit amount of [REDACTED]6. Department Exhibit 9-10. BEM 500 and 530.

In addition, the Claimant had excess income for AMP. For the AMP program, the Claimant's earned income was counted as [REDACTED]. He had a net earned income of [REDACTED], which resulted from his total earned income of [REDACTED] minus his deduction of [REDACTED] plus [REDACTED] earned income deduction of [REDACTED]. The Claimant failed the income test for AMP, which had an income level of [REDACTED]. His net income of [REDACTED] exceeded the AMP income limit found in RFT 235. As a result, the Claimant's AMP case was closed due to excess income.

During the hearing, the Claimant testified that the earned income was a temporary job that he did not have anymore. However, the Department is required to count any earned income that the Claimant earns. The AMP program is currently closed to new enrollment so the Claimant's case cannot be reopened, but the Claimant's FAP benefits were restored. Therefore, the Department has met its burden that the Claimant had excess income for FAP resulting in a decrease in FAP benefits to [REDACTED] and for AMP resulting in his case closure.

Based on the above Findings of Fact and Conclusions of Law, and for reasons stated on the record, the Administrative Law Judge concludes that the Department

properly reduced Claimant's application. improperly denied Claimant's application.

properly closed Claimant's case. improperly closed Claimant's case.

DECISION AND ORDER

The Administrative Law Judge, based on 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.

Accordingly, the Department's AMP decision is **AFFIRMED** REVERSED for the reasons stated on the record.

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

/s/ _____
Carmen Fahie
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 08/13/2013

Date Mailed: 08/14/2013

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; or
 - typographical errors, mathematical error , or other obvious errors in the hearing decision that effect the substantial rights of the Claimant; or
 - 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

CGF/pw

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