

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-59553
Issue No.: 3002
Case No.: [REDACTED]
Hearing Date: August 22, 2013
County: Livingston

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 August 22, 2013, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of Department of Human Services (Department) included Family Independence Manager, [REDACTED].

ISSUE

Did the Department properly determine that the Claimant's monthly Food Assistance Program (FAP) allotment be reduced due to her failure to verify stopped employment?

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 is an ongoing recipient of monthly FAP benefits in the amount of \$ [REDACTED].
2. On June 11, 2013, a DHS-4635, New Hire Notice was generated and sent to the Claimant with a due date of June 21, 2013.
3. On July 9, 2013, the Department received the verification of employment income.
4. On July 11, 2013, the Department sent the Claimant a DHS-1605, Notice of Case Action informing the Claimant that her monthly FAP allotment had been reduced to \$ [REDACTED].
5. On July 17, 2013, the Department received the Claimant's written hearing request protesting the reduction in her monthly FAP allotment and reporting that her [REDACTED] was no longer working.

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.

The uncontested fact is that the Claimant never did submit verification of stopped employment even yet at the time of hearing. The Claimant did bring verification that her [REDACTED] was no longer working, but there was no employment stop date on that verification. The Department worker at this point testified that she intended to make a collateral contact to the employer because during the hearing the Claimant complained that she was having difficulty obtaining the required verification from the employer.

Bridges Eligibility Manual (BEM) 505 (2010) addresses income change processing and p. 4, instructs the Department workers to use past income to prospect income for the future unless changes are expected. The Department's worker is to use income from the past 30 days if it appears to accurately reflect what is expected to be received in the benefit month. In this case, the Claimant's [REDACTED] began to receive income. Based on the record in this case, earned income was being received from the employer in question as late as July 3 2013. Therefore, this Administrative Law Judge determines that this income was properly includable in the determination of the Claimant's FAP allotment for August 1, 2013, of which the Claimant was notified on July 11, 2013. Indeed, the first evidence that the earned income had stopped was when the Claimant submitted her hearing request. The Claimant verbally agreed with her worker to get verification of stopped income on July 22, 2013. The Administrative Law Judge therefore concludes that the Department's worker properly included the Claimant's daughter's income in the Claimant's FAP budget until such time as it is properly verified that such income stopped. Therefore, the Administrative Law Judge concludes that when the Department took action to reduce the Claimant's FAP allotment beginning August 1, 2013, the Department was acting in accordance with its policy.

DECISION AND ORDER

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

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

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

Date Signed: 8/23/13

Date Mailed: 8/23/13

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:

