

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2013-61061  
Issue No.: 3002  
Case No.: [REDACTED]  
Hearing Date: August 27, 2013  
County: Washtenaw

**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 27, 2013, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] [REDACTED] and her husband, [REDACTED] [REDACTED]. Participants on behalf of Department of Human Services (Department) included Assistance Payments Supervisor, [REDACTED] [REDACTED] and Assistance Payments Worker, [REDACTED] [REDACTED].

**ISSUE**

Did the Department properly 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 July 1, 2013, the Claimant reported a change in work hours.
3. On July 15, 2013, the Claimant's case was updated to reflect the change.
4. On July 15, 2013, the Claimant was sent a DHS-1605, Notice of Case Action informing her that her monthly FAP allotment had been reduced to \$ [REDACTED].

5. On July 25, 2013, the Claimant filed a written hearing request protesting the reduction in her monthly FAP allotment.

### **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 ACS, 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 did not contest the amount of money that the employers reported that she and her husband earned. Initially, the Claimant objected to any child support income being counted as she testified she did not receive it regularly. However, when asked, she did also testify that \$ [REDACTED] of monthly, child support income is an average of what she does receive.

The Administrative Law Judge understood the Claimant's main objection to be that her household now earned less income and she felt her budget should reflect that retroactively, as opposed to the lower income being prospected forward. Bridges Eligibility Manual (BEM) 505 (2010) p. 8, provides that when there is an income decrease that results in a benefit increase it must affect the month after the month the change is reported or occurred, whichever is earlier, provided the change is reported timely. In this case, the Claimant reported an income increase on July 1, 2013 and she was notified on July 15, 2013 that it would affect her benefit on August 1, 2013.

That the Claimant later protests in her hearing request submitted July 25, 2013 that she is earning less does not equate into the Department worker being required to retroactively adjust the Claimant's budget. The Department worker has a month, per policy, to process that change. As the Claimant's income is found to have been properly calculated, particularly as the Claimant conceded on the record that her child support income was likely accurately averaged, the Administrative Law Judge concludes that when the Department took action to reduce the Claimant's monthly FAP allotment due to increased income, it 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 monthly 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: August 29, 2013

Date Mailed: August 29, 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. (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:

