

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

IN THE MATTER OF:

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████████████████████

Reg. No.: 14-002528
Issue No.: 3002
Case No.: ██████████
Hearing Date: June 18, 2014
County: WAYNE(49)

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on June 18, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, Eligibility Specialist, and ██████████, Family Independence Manager.

ISSUE

Did the Department properly reduce Claimant's Food Assistance Program (FAP) benefits due to her son's earned income?

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 is an ongoing FAP recipient.
2. On February 26, 2014, the Department sent Claimant a Notice of Case Action notifying her that her FAP benefits would decrease to \$15.00 per month effective April 1, 2014.
3. In March 2014, Claimant completed a Medical Redetermination in which she listed her son's earned income.
4. On May 1, 2014, Claimant completed a Redetermination which listed her as the only household member and did not include her son's income.

5. On April 29, 2014, the Department received a letter from Claimant's son stating that he no longer resided in the family home.
6. On May 9, 2014, Claimant filed a Request for Hearing disputing the Department's actions.

CONCLUSIONS OF LAW

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

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001 to .3015.

Additionally, all countable earned and unearned income available to the client must be considered in determining the Claimant's eligibility for program benefits. BEM 500 (January 2014), pp. 1 – 4. The Department indicated that Claimant's benefits were reduced effective April 1, 2014 based on a Redetermination which included her son's income. The Department initially referenced a Redetermination dated May 1, 2014 but later confirmed that Claimant did not list her son's income on that Redetermination. The Department also referenced a Medical Redetermination submitted by Claimant in March 2014 which did list her son's income. However, the Notice of Case Action that informed Claimant her benefits were to be reduced was dated February 26, 2014, which was before the Medical Redetermination was submitted. The Department was unable to state what document it received that caused the Notice of Case Action to be sent on February 26, 2014.

Claimant stated that she did not contest the reduction in her FAP benefits for April 2014 to the extent the figures she was shown on an earlier date were correct. The Department did not provide any document completed by Claimant or a wage match showing the amount of her son's earned income. The Notice of Case Action sent by the Department showed an earned income amount of \$981.00. However, the Department presented no evidence as to how it arrived at that amount. Without knowing the exact amount of the household's earned income, the undersigned is unable to conclude that the Department properly reduced Claimant's FAP benefits. Therefore it is found that the Department failed to establish that Claimant's benefits should have been reduced based on her son's income. It should be noted that the Department acknowledged that it received a letter from Claimant's son stating that he no longer resided with Claimant as of April 29, 2014 and that Claimant's FAP benefits were increased effective June 1,

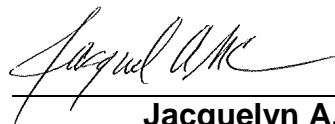
2014. Claimant indicated that she has no issue with her FAP benefits as of June 1, 2014, ongoing.

DECISION AND ORDER

Accordingly, the Department's decision is **REVERSED**.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Redetermine Claimant's eligibility for FAP benefits for April 2014 and May 2014, noting that her son left the family home on April 29, 2014;
2. Issue supplements to Claimant for any FAP benefits that she was entitled to receive but did not in April 2014 and May 2014; and
3. Notify Claimant in writing of its decision.



Jacquelyn A. McClinton
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **6/26/2014**

Date Mailed: **6/26/2014**

JAM/cl

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;

- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The party requesting a rehearing or reconsideration must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

CC:

[REDACTED]
[REDACTED]
[REDACTED]
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