

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-011775
Issue No.: 3008, 6000
Case No.: [REDACTED]
Hearing Date: October 14, 2014
County: Oakland-District 2 (Madison Hts)

ADMINISTRATIVE LAW JUDGE: Darryl Johnson

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 October 14, 2014, from Lansing, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included Eligibility Specialist [REDACTED], JET Case Manager [REDACTED], and Assistance Payments Supervisor [REDACTED]. [REDACTED] provided interpretation between [REDACTED] as needed by the Claimant.

ISSUE

Did the Department properly reduce Claimant's Food Assistance Program (FAP) benefits?

Is there a justiciable issue regarding Child Development and Care?

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 FAP and Medical Assistance (MA) on July 24, 2014. (Exhibit 1 Pages 41-56.)¹
2. On June 5, 2014, Claimant called and asked about possibly receiving Child Development and Care (CDC) benefits, and the Department mailed to her a Quick Note (Exhibit 1 Page 4) and a CDC Verification form (Exhibit 1 Pages 5-8).

¹ Exhibit 1 has pages numbered using hand-written numbers, and different numbers using a pdf "Bates Stamp" numbering system. As identified herein, page numbers refer to the Bates Stamp numbers.

3. Claimant did not return the completed CDC forms.
4. Claimant's employer submitted a completed Verification of Employment (Exhibit 1 Pages 39-40) reporting she was working as of July 16, 2014.
5. On August 7, 2014, the Department mailed to Claimant a Notice of Case Action (NCA) informing her that she was approved for FAP of [REDACTED] per month beginning August 1, 2014. (Exhibit 1 Pages 2-3.)
6. Claimant was receiving [REDACTED] per month in FAP from April 1 through July 31, 2014. (Exhibit 1 Page 14.)
7. The Department received Claimant's hearing request on September 10, 2014.
8. Effective October 1, 2014, Claimant's FAP increased to [REDACTED] per month.

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.

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, 42 USC 601-619, 670-679c, and 1397-1397m-5; the Child Care and Development Block Grant of 1990, PL 101-508, 42 USC 9858 to 9858q; and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193. The program is implemented by 45 CFR 98.1-99.33. The Department administers the program pursuant to MCL 400.10 and provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001-.5020.

A request for hearing must be in writing and signed by the claimant, petitioner, or authorized representative. Mich Admin Code, R 400.904(1). Moreover, the Department of Human Services Bridges Administrative Manual (BAM) 600 (3/1/14), pp. 5-6, provides in relevant part as follows:

MAHS may grant a hearing about any of the following:

- Denial of an application and/or supplemental payments.
- Reduction in the amount of program benefits or service.
- Suspension or termination of program benefits or service.
- Restrictions under which benefits or services are provided.
- Delay of any action beyond standards of promptness.
- For FAP only, the current level of benefits or denial of expedited service.

Claimant submitted a new FAP application. Her application was approved, and she was granted FAP benefits. Her application was not denied; her benefits were not reduced, suspended, or terminated; her benefits are not being provided under any restriction; there has been no delay beyond standards of promptness; she has not been denied expedited service. However, for FAP only, MAHS can grant a hearing on the current level of benefits.

Claimant reported in her application that she was working, earning [REDACTED] per hour for 25 hours per week, and paid bi-weekly. That works out to [REDACTED] in weekly income, or [REDACTED] per month. Her husband receives [REDACTED] per month in Supplemental Security Income. The standard is for SSI recipients to also receive a State supplement of [REDACTED] quarterly, or [REDACTED] per month, putting his unearned income at [REDACTED]. In the employment verification, it was stated that she was working 26 hours per week, and receiving about [REDACTED] per week in tips. That made her bi-weekly gross [REDACTED], which equates to [REDACTED] per month.²

In her FAP budget (Exhibit 1 Page 3), the Department shows that it considered her earned income of [REDACTED] per month, and his unearned income of [REDACTED] per month. It also budgeted for their rent of [REDACTED] per month, and the [REDACTED] per month heat and utility standard.

It is not within the scope of the Administrative Law Judge's authority to create new guidelines, eligibility criteria, or deductibles that the Department is to use. The issues that can be decided are whether the Department followed policy with respect to each program, based upon the existing rules, laws, policies, etc.

² Per BEM 505, "A standard monthly amount must be determined for each income source used in the budget." "Convert stable and fluctuating income that is received more often than monthly to a standard monthly amount. Use one of the following methods:

"Multiply weekly income by 4.3.

"Multiply amounts received every two weeks by 2.15.

"Add amounts received twice a month."


The Claimant did not dispute the amounts used by the Department in his budget. There is no evidence that the Department erred in its calculation of Claimant's FAP benefits after taking into account her group's monthly earned and unearned income and expenses.

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it determined Claimant's FAP benefits.

Claimant did not complete an application for CDC. There was no decision made with respect to CDC, and therefore, the undersigned lacks jurisdiction to issue any decision regarding CDC.

DECISION AND ORDER

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


Darryl Johnson
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **10/16/2014**

Date Mailed: **10/16/2014**

DJ/jaf

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:

