

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

IN THE MATTER OF:



Reg. No.: 14-005932
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: August 12, 2014
County: Ottawa County DHS

ADMINISTRATIVE LAW JUDGE: Gary F Heisler

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 August 12, 2014, from Lansing, Michigan. Participants on behalf of Claimant included herself. Participants on behalf of the Department of Human Services (Department) included Hearing Facilitator [REDACTED] and ES [REDACTED]. It is noted that from the beginning of this hearing Claimant was disruptive and disrespectful. Once Claimant's legitimate hearing issues were verified an attempt was made to gain control of the hearing. The attempt was unsuccessful and the hearing was terminated.

ISSUE

Did the Department use the proper earned income to determine Claimant's Food Assistance Program eligibility for July 1, 2014 ongoing?

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 was an ongoing recipient of Food Assistance Program benefits.
2. On June 3, 2014, Claimant reported a job start.
3. On June 11, 2014, the Department accessed Claimant's employment information online via the work number. Claimant's income was included in a Food Assistance Program financial eligibility budget. Claimant was sent a Notice of Case Action (DHS-1605) which stated her Food Assistance Program benefits would decrease to \$15 beginning July 1, 2014.
4. On June 12, 2014, the Department received a Verification of Employment (DHS-38) from Claimant's employer.

5. On June 23, 2014, Claimant submitted a request for hearing.

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).

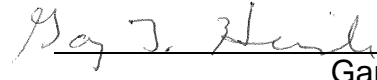
The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Family Independence Agency) administers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

In the hearing request and during the hearing Claimant raised a concern that the amount of her earned income in the Food Assistance Program financial eligibility budget was not correct. The employment information received from the work number (page 9) showed Claimant had been paid: \$ [REDACTED] on May 19, 2014 for 10 hours; \$ [REDACTED] on May 29, 2014 for 33 hours; and \$ [REDACTED] on June 3, 2014 for 32 hours. The Verification of Employment (DHS-38) (pages 11 & 12) stated that Claimant would be working 40 hours per week at a pay rate of \$ [REDACTED]. The BRIDGES print out of Claimant's income (Page 13) shows the department entered the three incomes listed above and calculated Claimant's June 10, 2014 income from the Verification of Employment (DHS-38) 40X \$ [REDACTED]. In calculating Claimant's projected income the \$ [REDACTED] check was not used because it would not be a usual one. The other three were used to determine an average weekly income of \$ [REDACTED]. That average weekly income was multiplied by 4.3 in accordance with Department policy. [REDACTED]. The June 11, 2014 Notice of Case Action (DHS-1605) sent to Claimant shows a monthly earned income of \$ [REDACTED] used to determine Claimant's Food Assistance Program eligibility.

The Administrative Law Judge, based on 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 Food Assistance Program eligibility for July 1, 2014 ongoing.

DECISION AND ORDER

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



Gary F. Heisler
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **8/26/2014**

Date Mailed: **8/26/2014**

GFH/hj

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:

