

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

IN THE MATTER OF:



Reg. No.: 14-011892
Issue No.: 3008, 6001, 7001
Case No.: [REDACTED]
Hearing Date: October 15, 2014
County: Ottawa

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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 November 15, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED] and [REDACTED].

ISSUE

Did the Department properly determine the Claimant's Food Assistance Program (FAP) allotment?

Did the Department properly determine the Claimant's Child Development and Care (CDC) eligibility?

Did the Department properly determine the Claimant's Direct Support Services (DSS) eligibility?

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 Food Assistance Program (FAP) recipient.
2. The Claimant receives monthly earned income from employment in the gross monthly amount of [REDACTED].
3. On August 14, 2014, the Department redetermined the Claimant's Food Assistance Program (FAP) eligibility based on changes to her circumstances and determined that she was eligible for a [REDACTED] monthly allotment of Food Assistance Program (FAP) benefits.

4. On August 14, 2014, the Department notified the Claimant that she was approved for Child Development and Care (CDC) benefits effective June 29, 2014.
5. On September 12, 2014, the Department received the Claimant's request for a 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.

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.

Direct Support Services (DSS) is established by the Social Welfare Act, MCL 400.1-.119b. The program is administered by the Department pursuant to MCL 400.10 and 400.57a and Mich Admin Code R 400.3603.

All earned and unearned income available to the Claimant is countable. Earned income means income received from another person or organization or from self-employment for duties for duties that were performed for compensation or profit. Unearned income means all income that is not earned, including but not limited to funds received from the Family Independence Program (FIP), State Disability Assistance (SDA), Child Development and Care (CDC), Medicaid (MA), Social Security Benefits (RSDI/SSI), Veterans Administration (VA), Unemployment Compensation Benefits (UCB), Adult Medical Program (AMA), alimony, and child support payments. The amount counted may be more than the client actually receives because the gross amount is used prior to any deductions. Department of Human Services Bridges Eligibility Manual (BEM) 500 (July 1, 2014).

All income is converted to a standard monthly amount. If the client is paid weekly, the Department multiplies the average weekly amount by 4.3. If the client is paid every other week, the Department multiplies the average bi-weekly amount by 2.15.

Department of Human Services Bridges Eligibility Manual (BEM) 505 (July 1, 2013), pp 6-7.

The Claimant is an ongoing Food Assistance Program (FAP) recipient as a group of two and the Department initiated a routine examination of her eligibility to receive continuing benefits based on changes to circumstances as reported by Claimant.

The Claimant is employed and receives monthly earned income in the gross monthly amount of [REDACTED], which was determined by multiplying her pay rate of [REDACTED] per hour, by the 80 hours she is expected to work and the 2.15 conversion factor because she is paid bi-weekly. The Claimant's adjusted gross income of [REDACTED] was determined by reducing her total monthly income by the 20% earned income credit and the [REDACTED] standard deduction. The Claimant is credited with an excess shelter deduction of [REDACTED] that was determined by subtracting 50% of her adjusted gross income from the [REDACTED] standard heat and utility expense credit. The Claimant's net income of [REDACTED] was determined by subtracting her excess shelter deduction from her adjusted gross income.

A group of two with a net income of [REDACTED] is entitled to a monthly allotment of Food Assistance Program (FAP) in the monthly amount of [REDACTED]. Department of Human Services Reference Table Manual (RFT) 260 (December 1, 2013).

The Claimant argued that all of her countable expenses were not applied towards her Food Assistance Program (FAP) eligibility, but the Claimant failed to establish that verification of these expenses were provided to the Department in a timely manner. Once these expenses are verified, the Claimant's Food Assistance Program (FAP) eligibility may change.

Therefore, this Administrative Law Judge finds that the Department properly determined the Claimant's Food Assistance Program (FAP) eligibility.

The Claimant is an ongoing Child Development and Care (CDC) recipient and on August 14, 2014, the Department notified the Claimant that she was approved for benefits at 100% of the approved state rate listed in Department of Human Services Reference Table Manual (RFT) 270.

The Claimant testified that her provider has not been paid for all services provided. The Claimant testified that the difference between the cost of her child care and the state rate for child care is a burden on her finances.

This Administrative Law Judge finds that the Department approved the Claimant for Child Development and Care (CDC) benefits and that billing issues do not fall within the jurisdiction of the Michigan Administrative Hearing System (MAHS). The Department has established that it properly determined the Claimant's Child Development and Care (CDC) eligibility and approved her for the maximum amount authorized by policy.


The Claimant testified that the Department has failed to grant her request for assistance with automobile repairs, which falls under the category of Direct Support Services (DSS).

There is no entitlement for Direct Support Services DSS. The decision to authorize DSS is within the discretion of the Department. Department of Human Services Bridges Eligibility Manual (BEM) 232 (October 1, 2014), p 1.

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 the Claimant's eligibility for Food Assistance Program (FAP), Child Development and Care (CDC), and Direct Support Services (DSS) benefits.

DECISION AND ORDER

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



Kevin Scully
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **10/20/2014**

Date Mailed: **10/20/2014**

KS/las

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:

