

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

IN THE MATTER OF:



Reg. No.: 2014-17440
Issue No.: 3004; 6000
Case No.: [REDACTED]
Hearing Date: January 15, 2014
County: Wayne (15)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 January 15, 2014, from Detroit, Michigan. Participants included the above-named Claimant. Participants on behalf of the Department of Human Services (DHS) included [REDACTED], Specialist.

ISSUE

The issue is whether DHS failed to update Claimant's Food Assistance Program (FAP) eligibility based on an allegedly reported stoppage in employment by Claimant.

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 FAP and Child Dependent Care (CDC) benefit recipient.
2. Claimant received ongoing employment income.
3. On [REDACTED]/13, DHS terminated Claimant's CDC eligibility due to a Claimant failure to verify CDC provider information (see Exhibits 1-6).
4. On 1 [REDACTED]/13, DHS determined Claimant's FAP eligibility, effective 12/2013, in part, based on ongoing employment income for Claimant.
5. Claimant failed to report a change in her employment to DHS.

6. On [REDACTED]/13, Claimant requested a hearing to dispute a termination of CDC benefits and an alleged failure by DHS to factor a stoppage in employment in Claimant's FAP eligibility.

CONCLUSIONS OF LAW

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

Claimant requested a hearing in part to dispute a termination of CDC benefits, effective 12/1/13. Claimant testified that she accepts the termination of CDC benefits and does not wish to pursue an administrative hearing for that issue. Claimant's hearing request will be dismissed for that particular dispute.

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 271.1 to 285.5. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10 and Mich Admin Code, R 400.3001 to .3015. Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM) and Department of Human Services Bridges Eligibility Manual (BEM) and Department of Human Services Reference Tables Manual (RFT).

Claimant's Request for Hearing also checked that she disputed the amount of her FAP eligibility. Claimant testified that she objected to a DHS failure to factor an alleged employment income stoppage in her FAP eligibility. For FAP benefits, income decreases that result in a benefit increase must affect the month after the month the change is reported or occurred, whichever is earlier, provided the change is reported timely. BEM 505 (7/2013), p. 9.

Claimant testified that she reported to DHS that she lost employment. Claimant testified that she reported the stoppage at the end of 11/2013 and estimated [REDACTED]/13 as her reporting date. Claimant's testimony contradicted her own hearing request.

Claimant wrote in her hearing request, signed by Claimant on [REDACTED]/13 and submitted to DHS the following day, that she requested a hearing because she was "on a verge of losing" her job because of not having day care. Claimant's hearing request went on to


note that she was not making enough money at work and that her FAP eligibility was reduced. Perhaps Claimant's Request for Hearing intended to dispute a failure by DHS to factor a reported reduction in employment hours. Claimant's testimony clearly identified that her dispute concerned a termination of employment. Claimant's contradictory statements support finding that Claimant did not report a stoppage of employment to DHS on [REDACTED]/13.

Clients must report changes in circumstance that potentially affect eligibility or benefit amount. BAM 105 (9/2012), p. 1. Based on Claimant's failure to report an income stoppage, DHS properly did not factor an alleged employment income stoppage in Claimant's FAP eligibility.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that Claimant has no dispute concerning a CDC benefit termination to be effective [REDACTED]/13. Claimant's hearing request is **PARTIALLY DISMISSED**.

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly determined Claimant's FAP eligibility, effective 12/2013, based on Claimant's failure to report an income stoppage to DHS. The actions taken by DHS are **AFFIRMED**.


Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 1/22/2014

Date Mailed: 1/22/2014

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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).

A Request for Rehearing or Reconsideration may be granted 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 Department, AHR or the claimant 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 the hearing decision is mailed.

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

CG/hw

cc:

