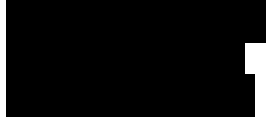


**STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES**

**IN THE MATTER OF:**



Reg. No.: 2014-23345  
Issue No.: 1001; 3008  
Case No.: [REDACTED]  
Hearing Date: February 27, 2014  
County: Genesee #06

**ADMINISTRATIVE LAW JUDGE:** Susanne E. Harris

**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 February 27, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of the Department of Human Services (Department) included Hearing Facilitator, [REDACTED].

**ISSUE**

Did the Department properly take action to reduce the Claimant's monthly Food Assistance Program (FAP) and Family Independence Program (FIP) benefits?

**ORDER OF DISMISSAL**

Regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in Mich Admin Code, R 400.901 through R 400.951. Rule 400.903(1) provides as follows:

An opportunity for a hearing shall be granted to an applicant who requests a hearing because [a] claim for assistance is denied or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by a Department action resulting in suspension, reduction, discontinuance, or termination of assistance.

In this case, the Department testified and submitted evidence to the effect that the Claimant's Medical Assistance (MA) suffered no negative action. The Claimant did not contest this testimony during the hearing. Because the Claimant's MA case suffered no

negative action, this Administrative Law Judge has no jurisdiction to hear an issue regarding the Claimant's MA case. Therefore, the Claimant's hearing request for MA is hereby dismissed.

### **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 recipient of monthly FAP benefits in the amount of \$ [REDACTED] and FIP benefits in the amount of \$ [REDACTED]
2. On November 14, 2013, the Claimant reported that she was now receiving monthly support payments and also working full-time.
3. There is no DHS – 1605, Notice of Case Action in evidence. Per the Department's hearing summary on January 1, 2014, the Claimant was sent notice that her monthly FAP allotment would be reduced to \$ [REDACTED] and her monthly FIP benefit would be reduced to \$ [REDACTED] effective January 1, 2014.
4. On December 20, 2013, the Department received the Claimant's written hearing request protesting the reduction in her FAP and FIP benefits.

### **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 Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131.

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.

Additionally, Bridges Eligibility Manual (BEM) 505 (2013), provides that the Department's worker determine budgetable income using countable, available income for the benefit month being processed. Child support income is to be budgeted by using an average of amounts received in the past three months, unless changes are

expected. For non-child support income, the Department's worker is to use past income to prospective income for the future, unless changes are expected. As such, when the Department took action to reduce the Claimant's FAP and FIP benefits due to increased income, the Department was acting in accordance with its policy.

Income decreases that results 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. In this case, the Claimant protested that since she had reported she was working full-time, her income has been reduced. When asked by this Administrative Law Judge when it was that the Claimant reported the income reduction to the Department, the Claimant said that she did not do so. The Claimant was reminded of her responsibility to report all changes in household circumstances to the Department within 10 days. The Department cannot be faulted for failing to adjust the Claimant's FAP and FIP budgets, when the Claimant has not informed the Department personnel that her income has been reduced.

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 took action to reduce the Claimant's monthly FAP and FIP benefits.

### **DECISION AND ORDER**

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

*Susanne E. Harris*

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Susanne E. Harris  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: 3/3/14

Date Mailed: 3/4/14

**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

SEH/tb

cc:

