

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201431234
Issue No.: 3001, 6001
Case No.: [REDACTED]
Hearing Date: April 3, 2014
County: Berrien County DHS

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 April 3, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED], [REDACTED], and [REDACTED].

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's eligibility for Food Assistance Program (FAP) and Child Development and Care (CDC) benefits?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. The Claimant is an ongoing recipient of Food Assistance Program (FAP) and Child Development and Care (CDC) benefits as a group of three.
2. The Claimant receives monthly earned income in the gross monthly amount of \$ [REDACTED].
3. A disqualified member of the Claimant's household receives monthly earned income in the gross monthly amount of \$ [REDACTED].
4. On February 19, 2014, the Department notified the Claimant that she was approved for Food Assistance Program (FAP) benefits in the monthly amount of \$ [REDACTED] as of April 1, 2014. The Department also notified the Claimant that she was approved for Child Development and Care (CDC) assistance with a supplement rate of 70%.

5. The Department received the Claimant's request for a hearing on March 3, 2014, protesting the amount of her Food Assistance Program (FAP) and Child Development and Care (CDC) benefits.

CONCLUSIONS OF LAW

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.

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.

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, 2013).

An individual convicted of a felony for the use, possession, or distribution of controlled substances two or more times in separate periods will be permanently disqualified from the Food Assistance Program (FAP) if both offenses occurred after August 22, 1996. Department of Human Services Bridges Eligibility Manual (BEM) 203 (July 1, 2013), p 3.

The Claimant is an ongoing recipient of Food Assistance Program (FAP) and Child Development and Care (CDC) benefits. The Claimant receives monthly earned income in the gross monthly amount of \$ [REDACTED]. A disqualified member of the Claimant's household receives monthly earned income in the gross monthly amount of \$ [REDACTED]. The Department determined these amounts from paychecks supplied by the Claimant and she did not dispute these gross income determinations. The Claimant's adjusted gross income of \$1,735 was determined by subtracting the standard \$ [REDACTED] deduction and the 20% earned income deduction from the total gross income of her household including the disqualified member. The Claimant's excess shelter deduction of \$ [REDACTED] was determined by adding her \$ [REDACTED] monthly shelter expense to the \$ [REDACTED] standard heat and utility credit and subtracting 50% of her adjusted gross income. The Claimant's net

income of \$ [REDACTED] was determined by subtracting her excess shelter deduction from her adjusted gross income.

A group of three with a net income of [REDACTED] is entitled to a monthly Food Assistance Program (FAP) allotment of \$ [REDACTED] Department of Human Services Reference Table Manual (RFT) 260 (December 1, 2013), p 19.

Based on the Claimant's household composition and gross monthly income, the Claimant is entitled to Child Development and Care (CDC) at the 70% rate. Department of Human Services Reference Table Manual (RFT) 270 (December 1, 2013), p 1.

Based on the evidence and testimony available during the hearing, the Department has established that it properly determined the Claimant's eligibility for Food Assistance Program (FAP) and Child Development and Care (CDC) benefits based on their household composition and gross income.

DECISION AND ORDER

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 Food Assistance Program (FAP) and Child Development and Care (CDC) benefits.

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



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

Date Signed: April 10, 2014

Date Mailed: April 10, 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).

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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

KS/hj

cc:

