



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

MIKE ZIMMER
DIRECTOR

[REDACTED]

Date Mailed: April 13, 2016
MAHS Docket No.: 16-001791
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

HEARING DECISION

Following Petitioner'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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on April 7, 2016, from Detroit, Michigan. The Petitioner was represented by Petitioner. The Department of Health and Human Services (Department) was represented by [REDACTED] [REDACTED] Hearing Facilitator.

ISSUE

Did the Department properly close Petitioner's CDC benefits for exceeding the gross income limit for a group size of two?

FINDINGS OF FACT

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

1. Petitioner was a CDC recipient.
2. On [REDACTED], Petitioner applied for FAP and MA benefits at which time she reported employment.
3. The Department obtained a payment statement which provided income information for Petitioner from [REDACTED] [REDACTED]

4. On [REDACTED], the Department sent Petitioner a Notice of Case Action notifying Petitioner that her CDC benefits were closed from [REDACTED] through [REDACTED] and [REDACTED], ongoing.
5. On [REDACTED], Petitioner filed a Request for Hearing Disputing the Department's actions.

CONCLUSIONS OF LAW

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

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, 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 Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-119b, and Mich Admin Code, R 400.3001-3011.

In this case, the Department sent Petitioner a Notice of Case Action on [REDACTED] notifying her that her CDC benefits closed effective [REDACTED] through [REDACTED] and from [REDACTED], ongoing. The Department only provided wage information from [REDACTED] through [REDACTED]. As such there was no evidence provided as to what led the Department to close Petitioner's benefits prior the date of proof of income.

The Department testified that Petitioner received CDC benefits through November 2015. However, it was unable to articulate what caused the closure effective [REDACTED]. The gross income limit for a group size of two is \$2,394.00. If the closure was effective [REDACTED], December's income could have been in the calculation which closed the benefits in November 2016. According to the payment statement provided by the Department, Petitioner earned \$736.66 in November 2016, which is significantly below the gross income limit. Petitioner testified that the income used by the Department included overtime income which she does not always receive. Additionally, Petitioner is currently on work approved disability and receives approximately 60% of her regular pay.

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 did not act in accordance with Department policy when it closed Petitioner's CDC benefits.

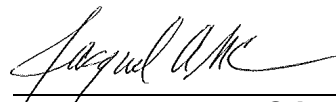
DECISION AND ORDER

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reinstate Petitioner's CDC benefits effective [REDACTED], ongoing;
2. Issue supplements to the CDC provided that it was eligible to receive but did not receive from [REDACTED], ongoing;
3. Redetermine Petitioner's eligibility for benefits from [REDACTED], ongoing; and
4. Notify Petitioner in writing of its decision.

JM/hw



Jacquelyn A. McClinton
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; 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 48909-8139

DHHS

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]