

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],

Claimant

Reg. No.: 2010-25261
2010-32181

Issue No.: 3014

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

June 17, 2010

Macomb County DHS (12)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a hearing was held in Clinton Township, Michigan on Thursday, June 17, 2010. The Claimant appeared, along with [REDACTED], and testified. [REDACTED] and [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly calculated the Claimant's Food Assistance ("FAP") benefits for the months of December 2009 through May 2010?

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 is a FAP recipient.

2. In or around November 2009, the Claimant informed the department that her son no longer resided with her.
3. During this time, the Claimant's daughter resided with the Claimant however she was active on the child's father's case in Detroit.
4. As a result of the Detroit active case, the Department was unable to add the daughter to the Claimant's case.
5. The Department contacted the Detroit caseworker requesting s/he remove the daughter from the father's case.
6. The Claimant's benefits were reduced to a group size of one effective December 2009.
7. On March 3, 2010, the Department received the Claimant's February 14, 2010 request for hearing.
8. In March, the Claimant notified the Department that both her son and daughter resided with her.
9. On or about March 27, 2010, the Detroit caseworker removed the daughter from the father's case.
10. On April 13, 2010, the Department received the Claimant's April 4, 2010 request for hearing.
11. On April 20, 2010, the Claimant submitted an application seeking food and medical benefits for a group size of 4.

CONCLUSIONS OF LAW

The Food Assistance Program, formerly known as the Food Stamp ("FS") program, is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations ("CFR"). The Department of

Human Services (“DHS”), formerly known as the Family Independence Agency, administers the FAP program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in the Bridges Administrative Manual (“BAM”), the Bridges Eligibility Manual (“BEM”), and the Bridges Reference Manual (“BRM”).

Group composition is the determination of which persons living together are included in the FAP program group. BEM 212 For FAP purposes, all expenses are converted to a nonfluctuating monthly amount. BEM 554 All countable earned and unearned income available to the client must be considered in determining the Claimant’s eligibility for program benefits. BEM 500 The Department must consider the gross benefit amount before any deduction, unless Department policy states otherwise. BEM 500 A group’s monthly benefits are based in part, on a prospective income determination. BEM 505 A standard monthly amount must be determined for each income source used in the budget. BEM 505 Weekly benefit amounts are converted to a monthly amount by multiplying the weekly amount by 4.3. BEM 505 Bi-weekly amounts are converted by multiplying the amount by 2.15. BEM 505

In the instant case, the Claimant notified the Department that her son no longer resided with her. Instead of removing the son, the Department removed the daughter from the case. Subsequently, the Claimant’s group size was incorrectly reduced to one effective December 2009. The correct group size for December 2009 was 2. The Claimant notified the Department that her daughter resided with her however the Department was unable to add the daughter back on to the Claimant’s case because the daughter had been added to the father’s case in Detroit. The Department notified the Detroit caseworker and requested the daughter be removed from the father’s case. The removal did not occur until the end of March which meant that the daughter could not be added to the Claimant’s case until May 2010. On March 11th, the Claimant notified

the Department that her son resided with her which would impact April 2010 benefits. The Department increased the Claimant's group size from one to two effective April 2010. The correct group size for April 2010 was 3. On April 20, 2010, the Claimant submitted another application for food and medical benefits for a group size of 4. The Department increased the Claimant's group size to 3 effective May 2010. During the hearing, the Department acknowledged that the Claimant's group size during the period at issue was not correct. The Department attempted to add the daughter on the Claimant's case but was unable to do so while the daughter was active under another case. Based upon the foregoing facts and relevant law, it is found that the Department's FAP determinations are REVERSED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Claimant's FAP allotment for the period from December 2009 through May 2010 was not correct due to the incorrect group size.

Accordingly, it is ORDERED:

1. The Department's FAP determinations are REVERSED.
2. The Department shall recalculate the Claimant's FAP allotment for the months of December 2009 through March 2010 based on a group size of 2.
3. The Department shall recalculate the Claimant's FAP allotment for the month of April based on a group size of 3.
4. The Department shall recalculate the Claimant's FAP allotment for the month of May based on a group size of 4.

5. The Department shall supplement for lost benefits that the Claimant was entitled to receive if otherwise eligible and qualified in accordance with department policy.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 6/23/2010

Date Mailed: 6/23/2010

NOTICE: Administrative Hearings 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. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 60 days of the filing of the original request.

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 was made, within 30 days of the receipt date of the rehearing decision.

CMM/jlg

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