

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2010-38964
Issue No.: 3003/6008
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: September 9, 2010
Wayne County DHS (43)

ADMINISTRATIVE LAW JUDGE: Colleen Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a hearing was held in Highland Park, Michigan on Thursday, September 9, 2010. The Claimant appeared and testified. The Claimant was represented by [REDACTED] of [REDACTED]. [REDACTED] appeared on behalf of the Department.

ISSUE

1. Whether the Department properly reduced the Claimant's Food Assistance ("FAP") benefits effective July 2010?
2. Whether the Department properly processed the Claimant's request for chore provider services?

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 a FAP recipient.
2. The Claimant requested home assistance on or about April 28, 2010.
3. The Department received the Claimant's medical records and forwarded it to the proper department for processing.
4. On May 12, 2010, the Department sent a redetermination packet to the Claimant. (Exhibit 5)

5. In June 2010, the Claimant's home help services began.
6. In June 2009, the Department discovered that the Claimant lives in subsidized housing. (Exhibit 6)
7. The Department requested that the Claimant sign a release in order to obtain the subsidy information.
8. The Claimant refused to sign the release.
9. The Claimant receives \$688.00 in Social Security Income. (Exhibits 2, 4)
10. As a result, the Department removed the Claimant's shelter obligation from the Claimant's FAP budget resulting in a decrease in the monthly benefit allotment. (Exhibit 3, p. 1)
11. On June 18, 2010, the Department received the Claimant's written request for hearing. (Exhibit 1)

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"), formally 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").

The Medical Assistance ("MA") program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act, 42 USC 1397, and is administered by the DHS pursuant to MCL 400.10 *et seq* and MCL 400.105. Department policies are found in the BAM, BEM, and BRM.

All countable earned and unearned income available to the client must be considered in determining the Claimant's eligibility for program benefits. BEM 500 For FAP purposes, all expenses are converted to a nonfluctuating monthly amount. PEM 554 Housing expenses, which include rent, are allowable expenses. BEM 554 An expense is not allowed if paid by an agency or someone outside the group. BEM 554 In determining a FAP allotment, a Heat and Utility Standard is used whenever a FAP group contributes to the heat expense separate from rent, mortgage, or condominium/maintenance payments. PEM 554 Reducing a FAP group's benefit

amount at redetermination is treated as a positive action since the change affects the new certification, not the current benefit period. BAM 220

In this case, the Claimant reported a shelter obligation of \$750.00/month. Subsequently, the Department discovered that the Claimant lived in subsidized housing. The Department requested the Claimant sign a release so the Department could secure the subsidy information which the Claimant failed to provide. The Department was unable to verify the Claimant's monthly shelter obligation therefore it was not allowed. As a result, the Claimant's FAP benefits were reduced. During the Hearing, the Claimant submitted an Adjustment Notification from the Detroit Housing Commission confirming the Claimant shelter obligation was \$336.00/month as opposed to the \$750.00/month reported on her application. Under these facts, the Department established it acted in accordance with department policy when it reduced the Claimant's FAP allotment.

The Claimant submitted a request for home assistance. Upon receipt of the medical records, the Department forwarded the information to the proper department. The Claimant began receiving benefits in June 2010. Under these facts, the Department's actions are upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law finds the Department established it acted in accordance with department policy when it reduced the Claimant's FAP benefits and processed the request for home assistance.

Accordingly, it is ORDERED:

The Department's determinations are AFFIRMED.

Colleen M. Mamelka

Colleen Mamelka
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 9/14/2010

Date Mailed: 9/14/2010

2010-38964/CMM

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 of the rehearing decision.

CMM/jlg

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