

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: 201037366
Issue No: 3003; 4011
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 24, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 telephone hearing was held in Detroit, Michigan on June 24, 2010. The Claimant appeared and testified on her own behalf. Nakesha Woods, FIM appeared on behalf of the Department.

ISSUES

Was the claimant's FAP allotment computed and allocated correctly?

Is the claimant entitled to a SSI supplement?

FINDINGS OF FACT

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

- (1) Claimant is a Food Assistance (FAP) recipient and was also receiving SSI related medical assistance.

- (2) The claimant confirmed unearned income, SSI income in the amount of \$674 for herself and \$674 for her child. The claimant also receives \$300.15 in child support monthly. These unearned income amounts were utilized by the Department in calculating the claimant's FAP budget. Exhibit 1
- (3) The claimant also pays rent in the amount of \$550, pays for her heat, and is a member of a SDV group of two members.
- (4) In September 2009, claimant began receiving SSI from Social Security. The Department's records indicate that the claimant received benefits as of January 1, 2010.
- (5) As of the hearing, the claimant's SSI case had not been given a case number.
- (6) The claimant's caseworker had processed and requested that her case be created in the DHS system but no number has, as yet, been assigned as of the date of the hearing.
- (7) Because the claimant does not have a case number, she cannot receive the \$42 quarterly supplement, which she is entitled to receive from the Department.
- (8) The FAP eligibility income test indicates that the Department properly computed the amount of income received by the Claimant. The Department's FAP budget prepared for the Claimant is correct and the monthly benefit amount is also correct. The budget calculated that the Claimant was entitled to \$16 in benefits per month. Exhibit 1.
- (9) The Department properly computed the excess shelter deduction acknowledging the claimant's rent in the amount of \$550 and awarded the claimant a heat and

utility allowance in the amount of \$555. The resulting excess shelter deduction, in the amount of \$340, is correct as computed by the Department. Exhibit 2.

- (10) Claimant filed for hearing on May 24, 2010, which was received by the Department on May 26, 2010, claiming that DHS incorrectly computed her FAP budget.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (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 or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

When determining eligibility for FAP benefits, the household's total income must be evaluated. All earned and unearned income of each household member must be included unless specifically excluded. BEM, Item 500. A standard deduction from income of \$132 is allowed for each household. Certain non-reimbursable medical expenses above \$35 a month may be deducted for senior/disabled/veteran group members. Another deduction from income is provided if monthly shelter costs are in excess of 50% of the household's income after all of the other deductions have been allowed, up to a maximum of \$300 for non-senior/disabled/veteran households. BEM, Items 500 and 554; RFT 255; 7 CFR 273.2. Only heat, electricity, sewer, trash and telephone are allowed deductions. BEM 554. Any other expenses are considered non-

critical, and thus, not allowed to be deducted from gross income. Furthermore, RFT 255 states exactly how much is allowed to be claimed for each deduction.

In this case, the Administrative Law Judge has reviewed the FAP budget numbers contained in the documents submitted by the Department and finds that the Department properly computed the claimant's gross unearned income and child support. The figures utilized by the Department were confirmed by the Claimant. BEM 500.

Claimant stated that her rent is 550 per month. Claimant was given a utility deduction maximum of \$555. Based upon the claimant's confirmation of the various income figures and her rent and payment of heating expense, the Department's computation of the claimant's FAP benefits is correct. The Claimant's FAP benefits decreased as a result of the increase of her income when she began receiving SSI. The Administrative Law Judge has reviewed the budget and found no errors.

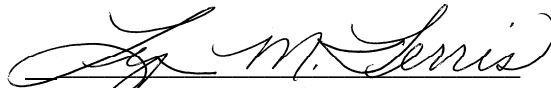
The Claimant is entitled to receive a supplement provided by the State of Michigan. The Claimant has not received the supplement because a case number has not been assigned to her case, notwithstanding her worker's efforts to effectuate same by requesting the case opening by Lansing. BEM150 Page 2. The Bridges system is set up to open a new SSI case and assign it to a DHS office. The Department attempted, through the Claimant's caseworker, to open the case but was unsuccessful.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department's decision to award claimant a FAP allotment of \$16 is correct and is properly computed.

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

The Department is ordered to open the SSI case within 10 days of receipt of this order and issue retroactive supplements for SSI to Claimant, retroactive to June 1, 2010; and to issue further supplements, retroactive to September 1, 2009, provided the Claimant provides the Department proof or verification of her receipt of SSI beginning September 2009 by obtaining a statement from the Social Security Office confirming her receipt of SSI benefits and the date she began receiving SSI benefits.



Lynn M. Ferris
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 06/29/10

Date Mailed: 07/01/10

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 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

LMF/dj

cc:

