

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-30772
Issue No.: 3002
Case No.: [REDACTED]
Hearing Date: May 23, 2011
DHS County: Wayne (82-35)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and 400.37 and Claimant [REDACTED]' request for a hearing. After due notice, a telephone Administrative Hearing was held on May 23, 2011. Claimant appeared and testified at the hearing. [REDACTED]

[REDACTED], appeared and testified on behalf of the Department of Human Services (DHS).

ISSUE

Whether DHS redetermined Claimant's Food Assistance Program (FAP) benefits in accordance with DHS policies and procedures?

FINDINGS OF FACT

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

1. On October 8, 2010, Claimant began receiving FAP benefits from DHS.
2. Effective March 1, 2011, DHS reduced Claimant's FAP benefits to \$16 per month.
3. On March 2, 2011, Claimant filed a Hearing Request with DHS.
4. Also on March 2, 2011, Claimant advised DHS that she had shelter expenses.
5. On March 11, 2011, DHS requested verification of Claimant's shelter expenses.

6. At the Administrative Hearing on May 23, 2011, Claimant testified that she understood the verification requirement and agreed to provide it.

CONCLUSIONS OF LAW

FAP was established by the U.S. Food Stamp Act of 1977 and is implemented by Federal regulations contained in Title 7 of the Code of Federal Regulations. DHS administers FAP pursuant to MCL 400.10 *et seq.* and Michigan Administrative Code Rules 400.3001-400.3015. DHS' policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables (RFT). These manuals are available online at www.michigan.gov/dhs-manuals.

BAM, BEM and RFT are the policies and procedures DHS officially created for its own use. While the DHS manuals are not laws created by the U.S. Congress or the Michigan Legislature, they constitute legal authority which DHS must follow. It is to the manuals that I look now in order to see what policy applies in this case. After setting forth what the applicable policy is, I will examine whether it was in fact followed in this case.

The authority for DHS action in this case is BEM 554, "FAP Allowable Expenses and Expense Budgeting." Pursuant to BEM 554, housing expenses can be deducted from gross income if they are verified. BEM 554, pp. 9-11, 19.

The verification can be in the form of a current lease contract, cancelled check, rent receipt, money order, DHS Shelter Verification Form 3688, or by one-to-one contact between the landlord and DHS. *Id.*, pp. 11, 19.

The information that is required for a sufficient verification include identification of the expense paid, the amount paid, the address, the name of the shelter provider, and the name of the person making the payment. *Id.*, p. 11.

At the Administrative Hearing on May 23, 2011, Claimant testified she would provide DHS with verification of her shelter expenses. DHS testified it would permit Claimant to submit verification of shelter expenses and DHS would then recalculate her FAP benefits and adjust her benefits accordingly.

I find and determine that BEM 554, p.10, requires a deduction from income for housing expenses such as rent, and DHS is entirely correct in offering to recalculate Claimant's FAP benefits upon her submission of adequate verification of her rent payments.

In conclusion, based on all of the findings of fact and conclusions of law above, I find and conclude that DHS is AFFIRMED in this case. DHS need take no further action in

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this matter until such time as Claimant submits sufficient verification of her shelter expenses.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, states that DHS is AFFIRMED. DHS need take no further action at this time.



Jan Leventer
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 26, 2011

Date Mailed: May 26, 2011

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.

JL/pf

cc:

