

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

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No: 201134213
Issue No: 3002
Case No: [REDACTED]
Hearing Date:
June 15, 2011
Kalamazoo County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on May 11, 2011. After due notice, a telephone hearing was held on Wednesday, June 15, 2011.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's Food Assistance Program (FAP) eligibility?

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 an ongoing Food Assistance Program (FAP) recipient.
2. On March 25, 2011, the Claimant reported to the Department that her monthly shelter expenses had increased to \$650.
3. The Department completed a Food Assistance Program (FAP) budget and determined that there would be no change in the Claimant's monthly allotment of FAP benefits.
4. The Department received the Claimant's request for a hearing on May 11, 2011, protesting the amount of her Food Assistance Program (FAP) benefits.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (formerly known as the Food Stamp 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), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

The Department applies certain expenses to determine net income for Food Assistance Program (FAP) eligibility and benefit levels. For Food Assistance Program (FAP) groups with no senior or disabled or disabled veteran (SDV) member, the Department considers the following expenses:

- Dependent care expense.
- Excess shelter up to the maximum in RFT 255.
- Court ordered child support and arrearages paid to non-household members.

The maximum shelter expense that the Department permits a Food Assistance Program (FAP) benefit group containing no senior or disabled members to deduct from income is \$458. RFT 255.

The Claimant argued that both her monthly shelter expenses and her utility expenses have increased without any corresponding increase in her monthly Food Assistance Program (FAP) allotment.

Although the Claimant's utility expenses may have increased, the Department had already applied the standard heat and utility deduction under the Low Income Home Energy Assistance Program (LIHEAP). This is a flat deduction applied to all Food Assistance Program (FAP) recipients regardless of their actual utility expenses and a FAP recipient's actual utility expenses are not considered.

The Department determined a Food Assistance Program (FAP) recipients excess shelter deduction by adding their monthly shelter expense to the standard \$588 heat and utility deduction under the Low Income Home Energy Assistance Program, and subtracting 50% of their adjusted gross income.

In this case, the Claimant's excess shelter deduction is greater than the maximum shelter deduction allowable by the Department's policy. Therefore, the Department applied the maximum shelter deduction to the Claimant's FAP budget, which resulted in no change to her monthly allotment.

Although the Department did not include a copy of its notice of case action in the hearing folder, this form normally does not give the Claimant notice that there is a maximum shelter expense. Therefore, Food Assistance Program (FAP) recipients generally have no way of determining on their own whether their Food Assistance Program (FAP) allotment is correct. Although the Claimant may not have access to the information necessary to computer her FAP allotment independently, this Administrative Law Judge finds that the Department properly computed her FAP benefits.

Based on the evidence and testimony available during the hearing, the Department has established that it properly determined the Claimant's eligibility for the Food Assistance Program (FAP).

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's Food Assistance Program (FAP) eligibility.

The Department's Food Assistance Program (FAP) eligibility determination is **AFFIRMED**. It is **SO ORDERED**.



Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: June 16, 2011

Date Mailed: June 17, 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.

KS/tg

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cc:

