

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

IN THE MATTER OF:

[REDACTED]

Reg. No. 2011-35142
Issue No. 3002
Case No. [REDACTED]
Hearing Date: June 20, 2011
Wayne (31)

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 hearing was held on June 20, 2011. The Claimant appeared and testified at the hearing. [REDACTED] Eligibility Specialist, appeared and testified at the hearing on behalf of the Department of Human Services (DHS).

ISSUE

Whether DHS calculated Claimant's Food Assistance Program (FAP) benefits for May, 2011, in accordance with DHS policy and procedure?

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. At all times relevant to this case, Claimant was a DHS customer receiving benefits from the FAP program.
2. Claimant receives \$1,001 per month Retirement, Survivors and Disability Insurance (RSDI) benefits from the U.S. Social Security Administration.
3. Claimant also receives \$811.10 RSDI benefits as guardian of [REDACTED].

4. In April, 2011, DHS provided \$367 FAP benefits to Claimant, based on zero (\$0.00) monthly income.
5. In May, 2011, DHS provided \$150 FAP benefits to Claimant, based on \$1,812 monthly income.
6. On May 16, 2011, Claimant filed a Request for Hearing with DHS.

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 the FAP program pursuant to MCL 400.10 *et seq.* and Michigan Administrative Code Rules 400.3001-400.3015. Department policies are found in Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM) and 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.

In this case Claimant is contesting the May, 2011 reduction of his FAP benefits from \$367 in April to \$150 in May. Claimant's concern is that he does not understand why his FAP benefits changed when his income did not change.

RFT 260, "Food Assistance Issuance Tables," is a chart showing the FAP benefits for all income and family groups. In April, 2011, it appears that DHS had no income information about Claimant and accordingly gave him the amount a two-person family group with zero income can receive, which is \$367. This FAP benefit is the maximum benefit a two-person family group may receive. RFT 260, p. 1.

Then, in May, DHS received complete RSDI information on the family group, indicating a total RSDI income of \$1,812. Accordingly, for the month of May, 2011, DHS used this income amount to calculate Claimant's FAP allotment. First, DHS took four required deductions from the gross of \$1,812, resulting in a countable net FAP income figure of \$723. Going then to RFT 260, DHS approved \$150, which is the correct amount for a two-person family group with a \$723 net income. *Id.*, p. 7.

2011-35142/JL

I decide and determine that DHS provided FAP benefits to Claimant based on available income information it had in its possession, so, in April, 2011, when it did not have information, DHS granted the maximum FAP based on zero income. Then, in May, 2011, DHS obtained accurate income information from Social Security and accordingly reduced Claimant's FAP benefits. I AFFIRM the Department's action in this case and find that the Department acted correctly in reducing Claimant's FAP for May, 2011.

While Claimant is correct that his income did not change between April and May, 2011, I find and determine that the information in the possession of DHS did change. Thus, in April DHS had no information, while in May DHS obtained complete information.

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

DECISION AND ORDER

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



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

Date Signed: June 21, 2011

Date Mailed: June 22, 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.

2011-35142/JL

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/cl

cc:

