

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

IN THE MATTER OF:

[REDACTED]

Registration. No: 201135650
Issue Nos: 3002/3003
Case No: [REDACTED]
Hearing Date: June 28, 2011
Ottawa County DHS

Administrative Law Judge: Mark A. Meyer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge in accordance with MCL 400.9, MCL 400.37 and 1979 AC, R 400.903. Claimant requested a hearing on May 16, 2011, and, after due notice, one was held on June 28, 2011. Claimant appeared at hearing and provided testimony. The Department of Human Services (the Department) was represented by agency personnel.

ISSUE

In dispute was whether the Department properly computed Claimant's Food Assistance Program (FAP) benefit level for the period in issue.

FINDINGS OF FACT

Based on the competent, material, and substantial evidence on the whole record, the Administrative Law Judge finds as relevant fact:

1. Claimant was determined to be in a non-senior/disabled/veteran (SDV) FAP group size of eight. (Department's Exhibit D-2.) This determination was undisputed.
2. Claimant was receiving FAP benefits in the amount of [REDACTED] per month at all times relevant to this matter. (Department's Exhibit D-2.)
3. On May 3, 2011, Claimant filed a request for hearing, asserting that medical expenses should be included in the calculation of her FAP group's budget. (Claimant's request for hearing, dated May 16, 2011.)

CONCLUSIONS OF LAW

The hearing and appeals process for applicants and recipients of public assistance in Michigan is governed by 1979 AC, R 400.901 through 400.951, in accordance with federal law. An opportunity for hearing must be granted to an applicant who requests a hearing because his claim for assistance is denied or not acted on with reasonable promptness, and to any recipient who is aggrieved by Department action resulting in suspension, reduction, discontinuance, or termination of assistance. Rule 400.903(1).

An applicant or recipient holds the right to contest an agency decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The Department must provide an administrative hearing to review the decision and determine its appropriateness. Bridges Administrative Manual (BAM) 600, p 1.¹

Here, Claimant was approved for, and was receiving, FAP benefits in the amount of [REDACTED] per month. She believed, however, that incurred medical expenses should be included in the calculation of her FAP group's budget, thereby increasing the amount of benefits received. The Department, based on established policy, declined to include the incurred medical expenses in the budget computation process.

FAP – formerly known as the Food Stamp Program – was established by the Food Stamp Act of 1977, 7 USC 2011, *et seq.*, as amended, and is implemented through federal regulations found in the Code of Federal Regulations, 7 CFR 273.1 *et seq.* The Department administers the FAP under MCL 400.10, *et seq.*, and Rules 400.3001 through 400.3015. Agency policies pertaining to the FAP are found in the BAM, Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT). The goal of the FAP is to ensure sound nutrition among children and adults. BEM 230A.

According to BEM 554, medical expenses are included in the FAP budget calculation only when those expenses are incurred by a senior (i.e., 60 years of age or older), disabled, or veteran member of the FAP group. BEM 554, pp 6, 9.

At hearing, Claimant admitted that the FAP group to which she belonged did not contain a senior, disabled, or veteran person. (Claimant's hearing testimony, June 28, 2011.) She was thus not entitled to the inclusion of medical expenses in her FAP budget calculation.

DECISION AND ORDER

Based on the above findings of fact and conclusions of law, the Administrative Law Judge decides that the Department acted in accordance with established policy when it declined to include medical expenses within Claimant's FAP budget computation.

The Department's action is AFFIRMED.

It is SO ORDERED.

/s/
Mark A. Meyer
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

¹ All citations are to Department of Human Services (Department) policy in effect at the time of the agency action in issue.

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Date Signed: June 29, 2011

Date Mailed: June 29, 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.

Claimant may appeal this Decision and Order to the Circuit Court for the county in which he/she resides within 30 days of the mailing of this Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

MAM/db

cc:

