

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201145869
Issue No.: 3002
Case No.: [REDACTED]
Hearing Date: August 29, 2011
Wayne County DHS (76)

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 the Claimant's request for a hearing. After due notice, a telephone hearing was held on August 29, 2011. The Claimant appeared and testified. [REDACTED], FIS and [REDACTED], ES appeared on behalf of the Department.

ISSUE

Whether the Department correctly calculated and reduced the Claimant's Food Assistance (FAP).

FINDINGS OF FACT

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

1. The Claimant had her Food Assistance reduced after she moved to a new residence.
2. The Claimant had been receiving \$200 in food assistance due to a Department error in entering the Claimant's rent. The Department used \$590 in rent rather than \$91 in rent, which the Claimant actually paid.
3. The Claimant provided a Shelter Verification for her rent. Exhibit 2.

4. The Department re-ran the FAP budget using the \$91 rent figure, and correctly determined that the Claimant's food assistance should be \$157 per month. Exhibit 1.
5. At the time the Department calculated the Claimant's FAP budget it utilized \$91 for her rent, as that was the best available information. Exhibits 2 and 3.
6. Subsequently, the Department determined that the Claimant's rent was \$81 but could not effectuate any change to the Claimant's FAP benefits because the Claimant's request for hearing was pending.
7. The Department correctly granted the Claimant a standard utility allowance of \$588.
8. The Claimant confirmed that both rent amounts were correct.
9. The Claimant has a FAP group of one person.
10. The Claimant receives unearned income of \$668 per month. Exhibit 1.
11. The Claimant requested a hearing on July 27, 2011 protesting the amount of her food assistance as incorrect.

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 (formerly known as the Family Independence Agency) administers the FAP program pursuant to CML 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).

In this case, the Claimant's FAP Budget as prepared by the Department was reviewed (as was the Department's calculation of the Excess Shelter deduction). The Department used \$91 for the Claimant's rent and granted the Claimant a \$588 heating and utility allowance when computing the Claimant's excess shelter deduction. The Department correctly computed the excess shelter deduction amount of \$406. Exhibit 1 and 3. Likewise, a review of the income received by the Claimant from SSI was also confirmed to be \$688, which was the unearned income number used by the Department. Based upon a thorough review of the FAP budget prepared by the Department, it is determined that the Department correctly determined the Claimant's

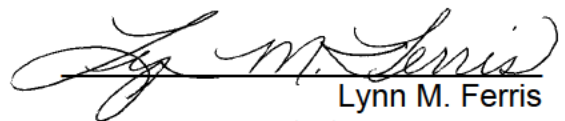
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FAP benefit amount to be \$157 and correctly reduced her FAP benefits. The reason the FAP benefit was reduced was due to the correction of the Claimant's rent amount from \$590 to \$91, which caused a significant reduction in benefits.

The Administrative Law Judge is not unsympathetic to the Claimant's concerns about the reduction in her FAP benefits, but the review at the hearing demonstrated that the Department correctly followed Department policy when computing the Claimant's FAP benefits. As further discussed at the hearing, the Department may again recompute the Claimant's FAP budget to consider the Claimant's current rent amount of \$81, as it could not do so while the Claimant's hearing request was pending.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds that the Department correctly determined the Claimant's FAP benefit amount to be \$157 and correctly reduced the FAP benefit when the correct rent amount was used. Therefore, the Department's determination is AFFIRMED.


Lynn M. Ferris
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: August 30, 2011

Date Mailed: August 30, 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 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 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.

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