

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

IN THE MATTER OF:

[REDACTED]

Reg. No. 201127752
Issue No. 3002
Case No. [REDACTED]
Hearing Date: May 12, 2011
Wayne County DHS (49)

ADMINISTRATIVE LAW JUDGE: [REDACTED]

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 May 12, 2011. The claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

ISSUE

Whether DHS properly budgeted Claimant's federal Supplemental Security Income (SSI) as [REDACTED]/month in determining Claimant's eligibility for Food Assistance Program (FAP) benefits effective 5/2011.

FINDINGS OF FACT

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

1. Claimant was an ongoing FAP benefit recipient.
2. For 5/2011, Claimant received [REDACTED] in gross federal SSI benefits.
3. For Claimant's 5/2011 FAP benefits, DHS budgeted [REDACTED] in SSI.
4. On 4/4/11, Claimant requested a hearing to dispute his FAP benefit determination for 5/2011, specifically, the amount of income DHS budgeted for Claimant's SSI.

CONCLUSIONS OF LAW

The Food Assistance Program (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). DHS (formerly known as the Family Independence Agency) administers the FAP pursuant to Michigan Compiled Laws 400.10, *et seq.*, and Michigan Administrative Code R 400.3001-3015. DHS regulations are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT). Updates to DHS regulations are found in the Bridges Policy Bulletin (BPB).

The undersigned will refer to the DHS regulations in effect as of 4/2011, the estimated month of the DHS decision which Claimant is disputing. Current DHS manuals may be found online at the following URL: <http://www.mfia.state.mi.us/olmweb/ex/html/>.

Bridges counts the gross amount of current Social Security Administration (SSA) issued SSI as unearned income. BEM 503 at 23. SSI amounts withheld to recoup overpayments due to an intentional program violation are also included in the gross amount. *Id.*

Claimant's only dispute concerning his 5/2011 FAP benefit issuance was the amount that DHS budgeted for his federal SSI. Claimant testified that the SSA was overpaying him SSI benefits and that they would likely recoup the benefits from him at a later date. Claimant contended that DHS should budget what he believed to be his correct SSI amount of [REDACTED] month.

Even assuming Claimant's testimony was accurate (Claimant did not provide any supporting documentation), it is irrelevant to how DHS determines FAP benefits. DHS cannot be expected to figure out whether a client's SSI benefits are correctly calculated and to adjust that client's benefits accordingly. DHS policy simply states that the gross amount of current SSI benefits is budgeted to determine a person's FAP benefits.

DHS submitted an SOLQ (Exhibit 1) to support their decision to budget [REDACTED]/month in determining Claimant's FAP benefits for 5/2011. The SOLQ is a document containing SSA information directly obtained from a data exchange with SSA.

The SOLQ lists two different sections which the undersigned finds to accurately reflect the correct amount of SSI benefits to budget. The sections titled "SSI Gross Payable Amount (current)" and "SSI Gross Payable Amount" each listed Claimant's SSI income as [REDACTED]/month.

The SOLQ also showed a chart that included Claimant's SSI payment history. The chart included the [REDACTED] monthly payment and an additional \$40 which was described under

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“Payment Flag 1” as an “advance payment or overpayment recovered (amount recovered shown in check amount column).” DHS contended that the [REDACTED] should have been combined with the [REDACTED] to determine Claimant’s monthly SSI income.

DHS could not explain why the [REDACTED] should have been counted other than it appeared as a payment to Claimant in the payment history. The undersigned is inclined to rely on the other sections of the SOLQ for the proper amount of SSI to budget in determining Claimant’s FAP benefits. “SSI Gross Payable Amount” and “SSI Gross Payable Amount (current)” include the two key words (“gross” and “current”) of DHS regulations as to how to budget SSI benefits. The undersigned is inclined to rely on the these sections as opposed to one that requires adding amounts and is prefaced by a description which neither DHS nor the undersigned understand; these sections lists Claimant’s SSI monthly income as [REDACTED]. It is found that [REDACTED]/month is the amount of SSI benefits that DHS should have budgeted for Claimant to determine his 5/2011 FAP benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly determined Claimant’s FAP benefit amount for 5/2011 by budgeting \$674/month in SSI. It is ordered that DHS:

- redetermine Claimant’s 5/2011 FAP benefits by budgeting [REDACTED]/month as Claimant’s SSI;
- supplement Claimant for any FAP benefits not received as a result of the DHS error.

The actions taken by DHS are REVERSED.

[REDACTED]
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: May 23, 2011

Date Mailed: May 23, 2011

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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 of the rehearing decision.

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cc:

[REDACTED]

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[REDACTED]

Administrative Hearings