

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-32391
Issue No.: 3000
Case No.: [REDACTED]
Hearing Date: June 15, 2011
Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Susan Burke

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 June 15, 2011. The Claimant was present and testified via three-way telephone conference. The Department of Human Services (Department) was represented by [REDACTED] Assistance Payments Supervisor and [REDACTED] Assistance Payments Worker.

ISSUE

Was the Department correct in its calculation of Claimant's Food Assistance Program (FAP) benefit amount?

FINDINGS OF FACT

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

1. Claimant was an ongoing FAP recipient.
2. Claimant is [REDACTED] years old.
3. Claimant incurred medical expenses that were not included in the FAP budget to determine FAP benefits for April 1, 2011 and ongoing.
4. Claimant requested a hearing contesting the amount of the FAP benefits.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) 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 administers the FAP program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in BAM, BEM and PRM, which includes the Reference Tables (RFT.).

BEM 554 dictates that certain expenses are used to determine net income for FAP benefit levels:

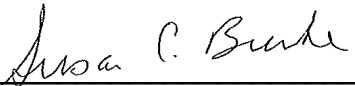
For groups **with** one or more Senior Disabled Veteran member, Bridges uses the following; see BEM 550:

- Dependent care expense.
- Excess shelter.
- Court ordered child support and arrearages paid to non-household members.
- Medical expenses for the SDV member(s) that exceed \$35.

In the present case, the Department issued a Notice of Case Action on March 9, 2011 listing a FAP benefit amount of \$162.00 effective April 1, 2011, and showing a budget that did not include medical expenses. The Claimant testified credibly at the hearing that she incurred medical expenses in March and April of 2011. The Department was therefore not correct in its calculation of Claimant’s FAP benefit amount.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department was not correct in its calculation of Claimant's FAP benefit amount and it is therefore ORDERED that the Department's decision is REVERSED. It is further ORDERED that the Department shall re-determine Claimant's FAP benefit amount, effective April 1, 2011 and ongoing, taking into account all allowable expenses. It is further ORDERED that any missed or increased payments shall be made in the form of a supplement.



Susan Burke
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 6/20/11

Date Mailed: 6/20/11

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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