

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-33633
Issue No.: 3002
Case No.: [REDACTED]
Hearing Date: June 6, 2011
DHS County: Wayne (82-57)

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 6, 2011. Claimant appeared and testified at the hearing. [REDACTED]

[REDACTED], 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 in accordance with DHS policies and procedures?

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. In April 2011, Claimant's FAP benefits were \$526 per month.
3. On April 15, 2011, DHS sent Claimant a Notice of Case Action reducing her FAP benefit to an unknown amount effective May 1, 2011.
4. On April 29, 2011, DHS sent Claimant a second Notice of Case Action stating that DHS was increasing her FAP benefits to \$189 effective May 1, 2011.

5. In May 2011, DHS issued \$189 FAP benefits to Claimant.
6. On May 2, 2011, Claimant filed a Request for Hearing with DHS.
7. On May 13, 2011, DHS issued a third Notice of Case Action increasing Claimant's FAP benefits to \$241 per month effective June 1, 2011.
8. On June 1, 2011, DHS issued \$241 FAP benefits to Claimant.

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. DHS' policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the 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.

The DHS' authority for its action in this case is BEM 500, "Income Overview," BEM 503, "Income, Unearned," and BEM 505, "Prospective Budgeting/Income Change Processing." I agree that these items provide the authority for DHS' action in this case and that BEM 505 provides the formula for calculating FAP benefits in this case.

Looking at the evidence in the record, I find and conclude that DHS used the correct amounts of Claimant's Unemployment Insurance (UI) and Child Support (CS) to calculate Claimant's monthly income. I find and conclude that DHS properly used the formula for standardizing monthly and biweekly income so as to arrive at a stable, nonfluctuating monthly income for Claimant. I find that DHS took into consideration the decrease in Claimant's UI, and the termination of CS for Claimant's oldest child. I find and conclude that Claimant received all of the deductions allowed according to DHS policy and procedure, and she did not present additional information at the hearing to allow for other income deductions to be taken. Based on all of these examinations of the numbers in this case, I find that BEM 505 has been followed.

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In conclusion, based on all of the findings of fact and conclusions of law, I find and conclude that 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 7, 2011

Date Mailed: June 8, 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.

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/pf

cc:

