

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

IN THE MATTER OF:

[REDACTED]

Reg. No. 201137084
Issue No. 3015
Case No. [REDACTED]
Hearing Date: July 7, 2011
Oakland County DHS (04)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 July 7, 2011 from Detroit, Michigan. The Claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED] Specialist, appeared and testified.

ISSUE

Whether DHS properly determined Claimant to be ineligible for Food Assistance Program (FAP) benefits based on excess income.

FINDINGS OF FACT

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

1. On 4/29/11, Claimant applied for FAP benefits.
2. Claimant was part of a FAP benefit group of three persons that included two children from Claimant's deceased sister.
3. On an unspecified date, DHS determined Claimant to have excess income for FAP benefits.
4. Claimant accepted the DHS decision as technically correct but believed her circumstances justified an entitlement of FAP benefits.
5. On 5/20/11, Claimant requested a hearing to dispute the DHS determination denying Claimant FAP benefits.

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 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 5/2011, 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/>.

The present case involved a denial of FAP benefits based on excess income. Prior to the hearing, DHS explained the budget process to Claimant. Claimant accepted the DHS budget as correct but contended that her circumstances justified some sort of deviation from the budget.

The undersigned has the authority to examine DHS actions as correct or incorrect based on DHS regulations. The undersigned has no special authority to subjectively issue benefits. Claimant wanted to make an emotional argument as a basis for an entitlement to FAP benefits. The undersigned can examine Claimant's specific arguments as they relate to DHS regulations and the FAP budget process.

Claimant stated that she has undertaken the responsibility of raising the children of her deceased sister. The only relevance of Claimant's argument is whether DHS factored the children into the group composition in determining Claimant's FAP benefit eligibility. It was not disputed that the DHS determination factored a group size of three persons.


Claimant also contended that since she has assumed custody of the children, her utilities have increased. The utility standard of \$588 (see RFT 255) encompasses all utilities (water, gas, electric, telephone) and is unchanged even if a client's monthly utility expenses exceed the \$588 amount. It was not disputed that the FAP eligibility determination factored the \$588 credit.

If Claimant's argument was that she deserves some benefit for taking care of her sister's children, it should be noted that Claimant is receiving Family Independence Program (FIP) benefits for the children for some unspecified amount. Further, her sister's children are also receiving Medicaid from DHS.

Claimant conceded that her income exceeded the income limit for FAP benefit eligibility. For purposes of FAP benefit eligibility, Claimant failed to present any argument that indicated any error by DHS in denying Claimant's application. It is found that DHS properly denied Claimant FAP benefits due to excess income.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly denied Claimant's FAP benefit application dated 4/29/11 due to excess income. The actions taken by DHS are AFFIRMED.


Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 12, 2011

Date Mailed: July 12, 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.

CG/cl

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