

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201138635  
Issue No.: 3003  
Case No.: [REDACTED]  
Hearing Date: July 18, 2011  
Wayne County DHS  
District No. 49

**ADMINISTRATIVE LAW JUDGE:** YASMIN J. ELIAS

**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 conducted from Detroit, Michigan, on July 18, 2011. The claimant appeared and testified. [REDACTED], Eligibility Specialist, and [REDACTED], Family Independence Manager, testified on behalf of the Department of Human Services (DHS).

**ISSUES**

Whether the Claimant timely protested the calculation of her Food Assistance Program (FAP) benefit amount for the months of January through June, 2011?

Whether the DHS properly calculated the Claimant's Food Assistance Program (FAP) benefit amount for the 90 days prior to June 10, 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. In 2011, the Claimant was a FAP benefit recipient.
2. The Claimant is a member of a household size of 3.
3. On June 5, 2011, the DHS informed the Claimant that her FAP benefits were calculated to be \$272.00 per month effective July 1, 2011, because of changes to her income reported by the Claimant on or about June 5, 2011.

4. On June 10, 2011, the Claimant requested a hearing based on her belief that her FAP benefits for the months of January through June, 2011, were calculated incorrectly.

### **CONCLUSIONS OF LAW**

This case involves two different issues. Because the issues are distinct, they will be addressed separately.

#### **Request for Hearing**

Michigan Administrative Code R 400.904 provides that any hearing requested which protests a Department action under the Michigan Social Welfare Act must be filed within 90 days. The claimant's hearing request was submitted on June 10, 2011. Therefore, the requested hearing can only address the Department's actions within the previous 90 days prior to the hearing request, or since March 11, 2011.

#### **FAP benefit determination**

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).

BEM 556 outlines the proper procedures for calculating FAP benefits. DHS uses certain expenses to determine net income for FAP eligibility and benefit levels. BEM 554. For groups without a senior (over 60 years old), disabled or disabled veteran (SDV) member, DHS considers the following expenses: child care and excess shelter (housing and utilities) up to a capped amount and court ordered child support and arrearages paid to non-household members. For groups containing SDV members, DHS also considers medical expenses for the SDV group member(s) and the full excess shelter expense.

In the present case, the Claimant asserted that she requested a hearing based on her belief that her FAP benefits were incorrectly calculated for the months of January through June, 2011. The Claimant testified that her income decreased slightly during those months, and therefore an incorrect income amount was used by the DHS when calculating her budget in order to determine her FAP benefit amount. However, the Claimant also acknowledged that she did not provide the DHS with any documentation or other information regarding her income reduction prior to June 2011. After the

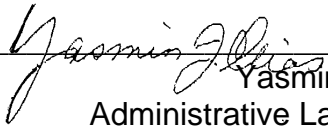
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Claimant submitted proof of changed income, her FAP benefit amount was changed, effective July 2011. The Claimant did not dispute the other numbers used by the DHS in calculating her FAP benefit eligibility.

Ultimately, the DHS established that it acted according to policy in calculating the Claimant's FAP benefit amount for the period of March 11, 2011 through June 10, 2011, based on the information they had at the time. Accordingly, the Department's determination is affirmed.

**DECISION AND ORDER**

The Administrative Law Judge, based on the above findings of fact and conclusions of law finds that the Department established it acted in accordance with Department policy when it calculated the Claimant's FAP benefits for the period of March 11, 2011 through June 10, 2011.

  
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Yasmin J. Elias  
Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

Date Signed: July 25, 2011

Date Mailed: July 25, 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.

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