

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

IN THE MATTER OF:

[REDACTED]

Reg. No. 201145504  
Issue No. 3014  
Case No. [REDACTED]  
Hearing Date: August 22, 2011  
Oakland County DHS (02)

**ADMINISTRATIVE LAW JUDGE:** Andrea J. Bradley

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge upon the Claimant's request for a hearing made pursuant to Michigan Compiled Laws 400.9 and Michigan Compiled Laws 400.37, which govern the administrative hearing and appeal process. After due notice, a telephone hearing was conducted from Detroit, Michigan on Monday, August 22, 2011. The Claimant's authorized hearing representative, [REDACTED], appeared and testified on behalf of the Claimant. [REDACTED], Eligibility Specialist, appeared and testified on behalf of the Department of Human Services (Department).

**ISSUE**

Whether the Department acted in accordance with Department policy when it determined the Claimant's group composition for purposes of calculating the Claimant's Food Assistance Program (FAP) benefits.

**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 June, 21, 2011, the Claimant applied for FAP benefits as a senior, disabled, or disabled veteran (SDV) group size of one.
2. The Claimant is [REDACTED] years old and resides with her mother.

3. The Department calculated the Claimant's FAP benefits based on a group size of 2 and included earned and unearned income from both the Claimant and her mother.
4. The Claimant's mother has an obligation for shelter, and utilities.
5. On July 18, 2011, the Department notified the Claimant that the group was approved for FAP benefits and is entitled to \$16 in FAP benefits per month.
6. On July 25, 2011, the Department received the Claimant's timely written request for hearing, which was submitted by the Claimant's authorized hearing representative, contesting the group composition and the amount of the FAP grant.

### **CONCLUSIONS OF LAW**

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 (RFT).

In determining FAP eligibility, the Department evaluates the group composition, specifically, who **must** be included in the FAP group prior to evaluating the nonfinancial and financial eligibility of everyone in the group. BEM 212. Parents and their children under 22 years of age who live together must be in the same group regardless of whether the child has his/her own spouse or child who lives with the group. BEM 212.

Once the group composition is determined, the Department determines the financial eligibility and calculates FAP benefits. BEM 212. The proper procedures for calculating a monthly FAP benefit issuance is set forth in BEM 556. The first step begins with calculating the group's monthly gross income. The group's applicable standard deduction is subtracted from the countable monthly income to calculate the group's adjusted gross income.

The Department then subtracts countable medical expenses and excess shelter expenses from Claimant's adjusted gross income to determine net income for FAP eligibility and benefit levels. BEM 554. The Department may only consider medical

expenses for group members that are senior , disabled, or a disabled veteran (SDV). BEM 554.

In this case, the Claimant's authorized hearing representative testified that the Claimant sought FAP benefits as a group size of one because she receives monthly SSI based on a disability and is contributing to the household. Notwithstanding this fact, the Claimant is under 22 and lives with her mother. According to Department policy, the Claimant's mother must be included in the group and the income and expenses of both the Claimant and her mother must be considered in evaluating FAP eligibility and FAP benefit allotments. Under these facts, the Department's determination that the FAP group is comprised of two individuals, the Claimant and her mother, is upheld.

With respect to the calculation of the FAP benefits for Claimant's group, The Claimant's authorized representative testified that the Claimant's group has a shelter obligation. The Department stated that it attempted to verify the shelter obligation, but had no evidence to show that verification of this was actually sought. The Department agreed that it did not take into account the shelter obligation for the Claimant's mother. Based on the aforementioned Department policy on budgeting, the Claimant's group is entitled to a deduction for shelter expenses. To that end, the undersigned finds that the Claimant is not receiving the correct monthly FAP allotment and it is ordered that the Department's calculation of the monthly FAP benefit is reversed.


### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department established that it acted in accordance with Department policy when it determined that the Claimant's group composition included the Claimant's mother, and is therefore a group size of 2. The Administrative Law Judge further finds that the Department failed to act in accordance with Department policy when it calculated the Claimant's monthly FAP benefits.

Accordingly, it is Ordered:

1. The Department's decision with respect to group composition is PARTIALLY AFFIRMED.
2. The Department's decision with respect to the calculation of the FAP benefits is PARTIALLY REVERSED.
3. The Department shall begin to re-process and re-calculate the Claimant's FAP benefits based on a group size of 2 and consider the group's shelter obligations in accordance with Department policy.

4. The Department shall notify the Claimant and the Claimant's authorized representative in writing of the determination in accordance with Department policy.
5. The Department shall supplement the Claimant for any lost benefits the group was otherwise eligible and qualified to receive based on the Claimant's June 21, 2011 application in accordance with Department policy.

  
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Andrea J. Bradley  
Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

Date Signed: September 1, 2011

Date Mailed: September 1, 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.

AJB/DJ

cc:

[REDACTED]