

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

IN THE MATTER OF:



Reg. No.: 2011-50372
Issue No.: 3002
Case No.: [REDACTED]
Hearing Date: September 26, 2011
County: Oakland County DHS (04)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on September 26, 2011, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant only. Participants on behalf of Department of Human Services (Department) included [REDACTED], Case Manager.

ISSUE

Did the Department properly calculate 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. Claimant currently receives FAP benefits in the amount of \$37.
2. The Claimant has a FAP group of 2 members.
3. The Claimant receives unemployment benefits biweekly in the amount of \$476 and another group member receives \$674 in SSI benefits and a \$42 quarterly benefit from the State of Michigan.
4. The Claimant's mortgage amount was reduced to \$346. the Claimant's mortgage amount has recently been lowered.

5. The Claimant provided information to the Department regarding the reduction of her mortgage payment.
6. On 6/15/11, Claimant filed a hearing request, protesting the amount of benefits.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

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 (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and 1999 AC, Rule 400.3001 through Rule 400.3015.

Additionally, the Department correctly determined the Claimant's gross monthly income to be \$1711. The Department used unemployment benefits of \$476 received by the Claimant bi-weekly and \$674 in SSI received by her group member, Mr. Weldon (who also receives a \$42 quarterly supplement from the State of Michigan which is included in the gross income as \$14 monthly). The total gross income of \$1711 is correct as calculated. The adjusted gross income is determined by deducting \$141 (the standard income deduction for a group of two persons from the gross income). The adjusted gross income is \$1570. ($\$1711 - \$141 = \1570).

The Department could not provide substantiation of the shelter expense used in determining the Claimant's benefits. The Claimant filed a verification shelter expense change when her mortgage amount went down, but it could not be determined whether the Department utilized the reduced mortgage expense. Accordingly, the Department is required to recalculate the Claimant food assistance to include the reduced mortgage expense and to adjust the Claimant's FAP benefits accordingly.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department

properly calculated Claimant's FAP benefits improperly calculated Claimant's FAP benefits.

DECISION AND ORDER

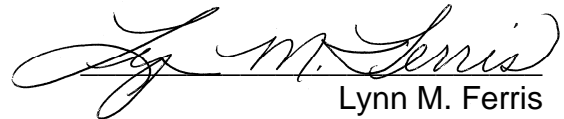
The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department

did act properly. did not act properly.

Accordingly, the Department's FAP calculation decision is AFFIRMED REVERSED for the reasons stated on the record.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. The Department shall initiate recalculation of the Claimant's FAP benefits to include the correct shelter expense using the claimant's reduced mortgage expense.
2. The Department shall issue a supplement to the Claimant, if one is appropriate, for any FAP benefits she is otherwise entitled to receive in accordance with Department policy.



Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: September 27, 2011

Date Mailed: September 27, 2011

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request. (60 days for FAP cases).

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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

LMF/hw

cc:

