

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012-12147
Issue No.: 3003, 6000
Case No.: [REDACTED]
Hearing Date: December 14, 2011
County: Charlevoix Emmet

ADMINISTRATIVE LAW JUDGE: C. Adam Purnell

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 December 14, 2011 from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED], Assistance Payments Supervisor; [REDACTED], Eligibility Specialist and [REDACTED], Eligibility Specialist.

ISSUE

Due to excess income, did the Department properly reduce 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 received benefits for Food Assistance Program (FAP) with a [REDACTED] monthly allotment.
2. Claimant applied for Medicaid (MA) Disability and the Medical Review Team (MRT) denied his MA Disability application and found that she was not disabled on October 7, 2011.
3. On October 18, 2011, the Department sent Claimant a notice that her FAP would be reduced from [REDACTED] because she was found to be not disabled.

4. On October 27, 2011, Claimant filed a hearing request, protesting the reduction of her FAP benefits.¹

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 of Human Services (DHS or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. The department's policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

The department's computer system, known as "Bridges" uses certain expenses to determine net income for FAP eligibility and benefit levels. BEM 554. For groups with one or more senior/disabled/disabled veteran (SDV) member, Bridges uses the following: (1) dependent care expense; (2) **excess shelter**; (3) court ordered child support and arrearages paid to non-household members; and (4) medical expenses for the SDV member(s) that exceed \$35. For groups with no SDV member, Bridges uses the following: (1) dependent care expense; (2) **excess shelter up to the maximum in RFT 255**; (3) court ordered child support and arrearages paid to non-household members. BEM 554.

Department policy requires the department complete either a manually-calculated or Bridges budget to document expenses every time an expense change is reported. BEM 554.

When the MRT found that Claimant was not disabled, the Department recalculated her FAP allotment. Because Claimant was no longer an SDV, the Department used a lower excess shelter expense (\$459.00) rather than the \$964.00 excess shelter deduction associated with an SDV member that was previously used. Accordingly, Claimant's FAP allotment was reduced. Of course, if Claimant prevails in her pending Medicaid Disability appeal, the Department would recalculate Claimant's FAP allotment using a different excess shelter deduction. Presently, the Department's calculation of Claimant's FAP allotment is accurate.

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, due to excess income, the Department properly reduced Claimant's benefits for FAP.

DECISION AND ORDER

¹ Apparently, the Department and the Claimant believed that the instant matter concerned Claimant's request for hearing challenging both the FAP reduction as well as the MRT decision regarding her MA Disability application. However, the instant case only concerns Claimant's FAP. Claimant's MA Disability appeal will be scheduled for hearing at a later date.

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

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

IT IS SO ORDERED.

/s/

C. Adam Purnell
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 12/16/11

Date Mailed: 12/16/11

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.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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

CAP/ds

