

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012-20961
Issue No.: 3002
Case No.: [REDACTED]
Hearing Date: January 23, 2012
County: Macomb (20)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 hearing was held in Warren, Michigan on Thursday, January 19, 2011. The Claimant appeared and testified. Participating on behalf of Department of Human Services ("Department") was [REDACTED]

ISSUE

Whether the Department properly calculated the Claimant's food assistance ("FAP") benefits effective January 1, 2012?

FINDINGS OF FACT

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

1. The Claimant is a FAP recipient.
2. On November 15, 2011, the Department notified the Claimant of her redetermination scheduled for December 1, 2011. (Exhibit 1, p. 1)
3. The Claimant timely submitted her redetermination application. (Exhibit 1, pp. 2 – 4)
4. The Claimant's group size is 3.

5. The Claimant receives unemployment compensation in the bi-weekly amount of \$552.00. (Exhibit 1, pp. 5 – 7)
6. The Claimant's pays \$300.00/ month for shelter and is responsible for utilities. (Exhibit 1, p. 13)
7. The Department calculated the Claimant's monthly FAP allotment as \$313.00. (Exhibit 1, p. 11)
8. On December 5, 2011, the Department notified the Claimant of the FAP benefit amount effective January 1, 2012.
9. On December 29, 2011, the Department received the Claimant's timely written request for hearing.

CONCLUSIONS OF LAW

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

The Food Assistance Program ("FAP"), 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. The Department, formerly known as the Family Independence Agency, administers FAP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, Rules 400.3001 through 400.3015.

For FAP purposes, all earned and unearned income available to the Claimant is countable. BEM 500. Gross unemployment compensation benefits are counted as unearned income. BEM 503. The Department determines a client's eligibility for program benefits based on the client's actual income and/ or prospective income. Prospective income is income not yet received but expected. BEM 505. Prospective budgeting is the best estimate of the client's future income for future benefits. BEM 505. All income is converted to a monthly amount. BEM 505. A standard monthly amount must be determined for each income source used in the budget. BEM 505. Weekly benefit amounts are converted to a monthly amount by multiplying the weekly amount by 4.3. BEM 505. Bi-weekly amounts are converted by multiplying the amount by 2.15. BEM 505.

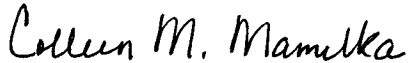
Group composition is the determination of which persons living together are included in the FAP program group. BEM 512. Shelter expense is an allowable expense and includes rent payments. BEM 554. In determining a FAP allotment, a Heat and Utility Standard is used whenever a FAP group contributes to the heat expense separate from rent, mortgage, or condominium/maintenance payments. BEM 554.

In this case, the Department mailed a redetermination packet to the Claimant in mid-November 2011. The Claimant timely submitted the requested information. During the review, the Claimant noted that she was receiving unemployment compensation benefits which the Department confirmed with the Unemployment Insurance Agency. The unemployment benefits were not previously considered. As a result, the Claimant's monthly FAP benefits reduced from \$526.00 to \$313.00 effective January 2012. In reviewing the budget, the Department included the correct monthly income figure; had the right group size; used the correct shelter obligation; and included the heat/utility standard. Ultimately, the Department established it acted in accordance with Department policy when it determined the Claimant's monthly FAP benefit. Accordingly, the Department's actions are AFFIRMED.

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 acted in accordance with policy when it determined the Claimant's monthly FAP benefit.

Accordingly, the Department's FAP determination is AFFIRMED.



Colleen M. Mamelka

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

Date Signed: January 24, 2012

Date Mailed: January 24, 2012

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
Re consideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CMM/cl

cc:

