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

IN THE MATTER OF:



Reg. No.: 2012-353 Issue No.: 3002

Case No.:

Hearing Date: October 24, 2011
County: Wayne County

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

HEARING DECISION

This matter is before the undersigned Admini strative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claim ant's request for a hearing. After due notice, a telephone hearing was held on Oc tober 24, 2011, from Detroi t, Michigan. Participants on behalf of Claim ant incl uded Claimant and Claimant 's spous e. Participants on behalf of Department of Human Services (Department) included ES and ES

<u>ISSUE</u>

Did the Department properly calculate Claimant's Food Assistance Program (FAP) benefits?

FINDINGS OF FACT

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

- 1. On September 19, 2011, the Department determined that Claim ant was entitled to FAP benefits in the amount of \$81.00, effective October 1, 2011.
- 2. Claimant was part of a household of five.
- 3. Claimant's spouse earned \$2,408.00 per month.
- 4. Claimant's household received \$625.00 in child support per month.
- 5. Claimant paid \$600.00 per month in rent.

6. On September 26, 2011, Claimant filed a hearing request, protesting the amount of benefits.

CONCLUSIONS OF LAW

Department policies are contained in the Br idges 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 amend ed, and is implemented by the federal regulations contained in Title 7 of the Code of Feder al Regulations (CFR). The Department (formerly known as the Fam ily Independence Agency) administers FAP pursuant to MCL 400.10, et seg., and 1999 AC, Rule 400.3001 through Rule 400.3015.

Additionally, BEM 553 and BEM 554 instruct that eighty percent of the earned income of a household be added to unearned income to det ermine gross income. Adjusted gross income in a household of five that does not have a senior, disabled or veteran member is determined by subtracting the standar d amount of \$180.00 (RFT 255). Monthly income for FAP purposes is then determined by subtracting a shelter deduction, if any.

In the present case, \$1,926.00 (eighty per cent of the earned income) plus \$625.00 (child support) minus \$180.00 (standard deduction) is \$2,37 1.00 (adjusted gross income). The shelter deduction is computed by adding the utility standard (\$553.00) to the rent (\$600.00) and subtract ing half of the adjusted gross income (\$1.185.50). Since this yields a negative figure, Claimant is not entitled to a shelter deduction.

Claimant's monthly income after deductions was \$2,371.00 as of September 19, 2011, which allowed for a FAP benefit of \$81.00 for a household of five, per RFT 260.

Based upon the abov e Findings of Fact and Co nclusions of Law, and for the reasons

stated on the record, the Administrative Law Judg	e concludes that the Department
properly c alculated Claimant's FAP benefits FAP benefits.	improperly calc ulated Claimant's

Claimant argues that he submitted all information regard ing income to the Department previously, yet he received more benefits previously. However, the issue at this hearing is whether the Department calculated correctly at the time of the Notice of Case Action. which was dated September 19, 2011.

Accordingly, the Department's FAP c alculation decision is AFFIRMED EVERSED for the reasons stated on the record.

Susan C. Burke
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 10/28/11

Date Mailed: <u>10/28/11</u>

NOTICE: Michigan Administrative Hearing Syst em (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a par ty within 30 days of the mailing date of this Dec ision and Order. MAHS will not or der a rehearing or reconsideration on the Department's mo tion where the final decis ion 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 ti mely 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 <u>MAY</u> 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

SCB/sm

cc: