

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201240574
Issue No.: 3002
Case No.: [REDACTED]
Hearing Date: April 16, 2012
County: Wayne DHS (49)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 April 16, 2012 from Detroit, Michigan. Participants on behalf of Claimant included the above named claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly determined Claimant's Food Assistance Program (FAP) benefit eligibility effective 4/2012.

FINDINGS OF FACT

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

1. Claimant was an ongoing FAP benefit recipient.
2. Claimant was eligible for \$1110/month in Retirement, Survivors, Disability Insurance (RSDI).
3. Claimant's RSDI was reduced by \$100/month for a Medicare premium and \$150/month for an unpaid student loan.
4. On an unspecified date, Claimant's housing obligation was reduced to \$300/month.
5. On 3/12/12, DHS reduced Claimant's FAP benefit eligibility to \$51/month, in part, by budgeting a countable income of \$1110/month and \$300/month rent obligation.

6. On 3/15/12, Claimant requested a hearing to dispute the FAP benefit reduction

CONCLUSIONS OF LAW

The Food Assistance Program (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 (CFR). DHS administers the FAP pursuant to Michigan Compiled Laws 400.10, *et seq.*, and Michigan Administrative Code R 400.3001-3015. DHS regulations are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT). Updates to DHS regulations are found in the Bridges Policy Bulletin (BPB).

Claimant requested a hearing to dispute a FAP benefit reduction for 4/2012. Toward the end of the hearing, Claimant became upset and chose not to go through the entire FAP budget. Prior to ending his hearing participation, Claimant raised two issues which may have affected his FAP benefit eligibility.

Claimant testified that he only received \$859/month in RSDI income. Claimant also testified that his RSDI was reduced \$100/month for payment of a Medicare premium and \$150/month due to an unpaid student loan. Claimant contended that DHS should have factored his net RSDI income, not his gross RSDI income. For all programs, the gross amount of RSDI is countable income. BEM 503 at 20. It was not disputed that Claimant's gross RSDI was \$1110/month. Though Claimant's take-home RSDI is less than \$1110/month, the \$1110/month is the correct amount to budget for purposes of FAP benefit eligibility.

Claimant's housing obligation was also disputed. It was not disputed that Claimant recently moved and that his shelter obligation was reduced to \$300/month. Claimant noted that he expected the circumstances to be temporary. Whether Claimant's situation is temporary or not is irrelevant to the FAP benefit determination. The only relevance is the amount that Claimant paid in rent at the time of the DHS determination. It was not disputed that Claimant's housing obligation was \$300/month. If Claimant begins paying a higher amount for rent, he may report that change to DHS when the change occurs. Until then, \$300/month is the proper amount to budget as Claimant's housing obligation for purposes of FAP benefit eligibility.

As discussed during the hearing, Claimant was advised to apply for Medical Assistance benefits for possible Medicare Savings Program eligibility which may help Claimant with the cost of his Medicare premium. Claimant was also advised to submit medical expenses for a possible increase in 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 when determining Claimant's FAP benefit eligibility for 4/2012

Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is AFFIRMED REVERSED for the reasons stated on the record.



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

Date Signed: April 16, 2012

Date Mailed: April 16, 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
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CG/hw

cc:

