

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2012-41344  
Issue No.: 3002  
Case No.: [REDACTED]  
Hearing Date: May 16, 2012  
County: Ottawa

**ADMINISTRATIVE LAW JUDGE:** Vicki L. Armstrong

**HEARING DECISION**

In accordance with MCL 400.9, MCL 400.37, and 1999 AC, R 400.903, a hearing was held in this matter on May 16, 2012. Claimant, and her husband, personally appeared and provided testimony. The Department of Human Services (the Department) was represented by [REDACTED] f. Assistant Payment Supervisor [REDACTED] served as the interpreter and [REDACTED] Regulation Agent from the Office of Inspector General also appeared on behalf of the department.

**ISSUE**

In dispute was whether the Department properly reduced Claimant's benefits for the Food Assistance Program (FAP) based on excess income.

**FINDINGS OF FACT**

Based on the competent, material, and substantial evidence on the whole record, including the testimony of witnesses, the Administrative Law Judge, finds as relevant fact:

1. Claimant received benefits for Food Assistance Program (FAP).
2. On October 26, 2011, the Department sent Claimant notice of a reduction.
3. Beginning December 1, 2011, the Department reduced Claimant's benefits due to excess income to \$271.00, based on a change in Claimant's income.
4. On December 17, 2011, the Department sent Claimant notice of a reduction.
5. Beginning January 1, 2012, the Department reduced Claimant's benefits due to excess income to [REDACTED], based on a change in Claimant's income.
6. On March 13, 2012, Claimant filed a hearing request, contesting the Department's reduction of benefits.

**CONCLUSIONS OF LAW**

The FAP [formerly known as the Food Stamp (FS) program] was 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 administers the FAP in accordance with MCL 400.10, *et seq.*, and 1997 AACRS, R 400.3001 through R 400.3015. Agency policies pertaining to this program are found in the BAM, BEM, and RFT.

Claimant admitted during the hearing that she moved back in with her husband and son on October 17, 2011. The department explained that based on her move, her FAP benefits were increased from [REDACTED] (See 2012-24516). However, when Bridges added Claimant to her and her son's case, it neglected to count the SSI and RSDI income. Therefore, the Department mailed out a Notice of Case Action on October 26, 2011, notifying Claimant of the reduction in FAP benefits from \$367.00 to \$271.00. Then in December 2011, as a result of an increase in Claimant's RSDI and SSI income, Claimant's FAP benefit was reduced from \$ [REDACTED] a month.

Claimant does not contest the amount of SSI or RSDI, or that she received a raise in December 2011 in SSI and RSDI. Claimant contends that the department should not be receiving information from the Social Security Administration regarding what benefits they may be receiving. Furthermore, Claimant argued that the department was biased against her and her family because they owed back taxes.

However, according to Federal regulations at 7 CFR 273.10, which provides the standards for income and the amount of household benefits, the department properly found that a household size of three with a net income of [REDACTED] is entitled to an [REDACTED] FAP allotment. RFT 260. Therefore, the department's FAP eligibility determination was correct based on Claimant's uncontested income.

As a result, the Department properly reduced Claimant's benefits for FAP.

**DECISION AND ORDER**

Based on the above findings of fact and conclusions of law, and for the reasons stated on the record, the Administrative Law Judge finds that the Department did act properly.

Accordingly, the Department's decision is AFFIRMED.

It is SO ORDERED.

/S/  
Vicki L. Armstrong  
Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

Date Signed: 5/21/12

Date Mailed: 5/21/12

**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 60 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

VLA/ds

