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

IN THE MATTER OF:



Reg. No.: 2012-5442

Issue No.: 3002 Case No.:

November 23, 2011 Hearing Date:

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 November 23, 2011, from Detroit, Michigan. Participants on behalf of Claimant inclu ded Claim ant. Participants on behalf of Department of Human Services (Department) included

ISSUE

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. Claimant received FAP benefits in the amount of \$16.00 less a recoupment amount of \$10.00 as of October 1, 2011.
- Claimant received monthly unearned income in the amount of \$1,396.00.
- 3. Claimant was in a group size of one.
- 4. Claimant had monthly housing expense of \$449.00 for lot rent.
- 5. Claimant had countable medical expenses in the amount of \$156.00 per month.

6. Claimant filed a hearing request on Sept ember 30, 2011, prot esting the amount of benefits as of October 1, 2011.

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 seq., and 1999 AC, Rule 400.3001 through Rule 400.3015.

Adjusted gross income in a household of o ne is determined by subtracting the standard amount of \$146.00 (RFT 255) from the countable income. Monthly net income for FAP purposes is then determined by subtracting allowable expenses, such as a shelter deduction, and medical expenses if any. BEM 554.

It is noted that Claim ant agreed that Claimant's inc ome and expense were the same before and after October 1, 2011. However, Department policy changed, effective October 1, 2011, which resulted in a decrease in Claimant's FAP benefits amount.

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

| stated on the record, the Administrative Law Judge concludes that the Department | |
|---|-------------------------------------|
| □ properly c alculated Claimant's FAP benefits □ FAP benefits. |] improperly calc ulated Claimant's |
| 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 not act properly. ☐ did not act properly. | |
| Accordingly, the Department's FAP c alculation d | lecision is AFFIRMED |

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

Jusa C. Bruke

Date Signed: <u>12/1/11</u>

Date Mailed: 12/1/11

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 <u>MAY</u> 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

