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

IN THE MATTER OF:

[redacted]

Reg. No.: 2012-75372
Issue No.: 3002
Case No.: [redacted]
Hearing Date: October 29, 2012
County: Wayne (18)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

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 October 29, 2012, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included [redacted], Assistance Payments Supervisor and [redacted], Eligibility Specialist.

ISSUE

Due to excess income, did the Department properly ☐ deny the Claimant's application ☐ close Claimant's case ☒ reduce Claimant's benefits for:

☐ Family Independence Program (FIP)?
☒ Food Assistance Program (FAP)?
☐ Medical Assistance (MA)?
☐ Adult Medical Assistance (AMP)?
☐ State Disability Assistance (SDA)?
☐ Child Development and Care (CDC)?

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 ☐ applied for benefits for: ☒ received benefits for:

☐ Family Independence Program (FIP).
☒ Food Assistance Program (FAP).
☐ Medical Assistance (MA).
☐ Adult Medical Assistance (AMP).
☐ State Disability Assistance (SDA).
☐ Child Development and Care (CDC).

2. On September 1, 2012, the Department ☐ denied Claimant's application ☐ closed Claimant's case ☒ reduced Claimant's benefits due to excess income.

3. On August 30, 2012, the Department sent ☒ Claimant ☐ Claimant's Authorized Representative (AR) notice of the ☐ denial. ☐ closure. ☒ reduction.

4. On September 4, 2012, Claimant or Claimant's AHR filed a hearing request, protesting the ☐ denial of the application. ☐ closure of the case. ☒ reduction of benefits.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges 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 amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq*., and 1999 AC, Rule 400.3001 through Rule 400.3015.

Additionally, the following findings of fact and conclusions of law are made in this case. From January 1-August 31, 2012, Claimant's countable income was $0.00 (zero), and she received a FAP grant of $200 per month. On July 16, 2012, the Department sent Claimant a Redetermination form, requesting that Claimant submit updated income and other information by August 13, 2012. On August 27, 2012, Claimant submitted the updated information that she lost her home, she no longer made house payments, and, that she was receiving Unemployment Insurance (UI) benefits of $607 weekly. No dates were provided. Dept. Exh. 1, pp. 5, 25.

Based on the new information, the Department recalculated Claimant's benefit level using the UI income and deleting her shelter deduction. This reduced Claimant's FAP benefit from $200 to $16, and the Department made the reduction on September 1, 2012. The Claimant disputes the reduction.

Having reviewed all of the documents and testimony in their entirety and considered as a whole, it is found and determined that the Department acted correctly in adjusting Claimant's FAP benefits based on her current situation. Bridges Eligibility Manual (BEM) 503, "Income, Unearned," requires the Department to consider UI benefits as income to the customer. Department of Human Services Bridges Eligibility Manual (BEM) 503 (2012), pp. 25-26. With regard to shelter, as Claimant did not report shelter expenses on the Redetermination, it is found and determined that she is not entitled to a deduction for an expense she does not incur. *Id*., p. 13.

Continuing on through the Department's calculation, Claimant's household size is one person and her net income is $1,174 per month. *Id.* pp. 11-12. Reference Tables (RFT) 260, "Food Assistance Issuance Tables," is a thirty-six page chart listing FAP benefit levels for all persons with incomes from $0-4003, and with a household size of one to eight persons. Department of Human Services Reference Tables (RFT) 260 (2011), p. 11, states that Claimant's benefit shall be $16.

Based on the law, the testimony and the documents in this case considered in their entirety, it is found and determined that the Department acted correctly in this case. The Claimant provided information regarding income and shelter, and the Department recalculated these changes and adjusted Claimant's FAP benefits accordingly. The Department shall be affirmed.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that, due to excess income, the Department ☒ properly ☐ improperly

☐ denied Claimant's application
☒ reduced Claimant's benefits
☐ closed Claimant's case

for: ☐ AMP ☐ FIP ☒ FAP ☐ MA ☐ SDA ☐ CDC.

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 ☐ did not act properly.

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

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

Date Signed: October 30, 2012

Date Mailed: October 31, 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

JL/tm

cc: [redacted]