

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201275949
Issue No.: 3002
Case No.: [REDACTED]
Hearing Date: October 29, 2012
County: Wayne DHS (35)

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 October 29, 2012 from Detroit, Michigan. Participants 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 eligibility for Food Assistance Program (FAP) benefits.

FINDINGS OF FACT

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

1. On 7/24/12, Claimant applied for FAP benefits.
2. Claimant was a member of a one-person FAP benefit group.
3. Claimant received monthly income of \$1523 in Retirement, Survivors, Disability Insurance (RSDI) for being a disabled and/or senior individual
4. Claimant's FAP benefit application noted that he had over \$400/month in medical expenses.
5. DHS failed to request verification of Claimant's medical expenses.

6. On 8/22/12, DHS determined that Claimant was eligible for \$16/month, in part, by budgeting \$0 in verified medical expenses.
7. On 8/31/12, Claimant requested a hearing to dispute the FAP benefit determination.

CONCLUSIONS OF LAW

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 Mich Admin Code, R 400.3001 through R 400.3015. Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

Claimant requested a hearing to dispute a FAP benefit issuance of \$16/month stemming from an application dated 7/24/12. Claimant noted that he was generally dissatisfied with the \$16/month issuance but failed to allege any specific errors by DHS in the determination.

FAP benefit budget factors include: income, standard deduction, mortgage expenses utility credit, medical expenses, child support expenses, day care expenses, group size and senior/disability/disabled veteran status. DHS presented a budget showing the figures used to determine the \$16 benefit issuance. Claimant did not dispute any of the DHS budget numbers other than medical expenses.

DHS uses certain expenses to determine net income for FAP eligibility and benefit levels. BEM 554 at 1. For groups containing senior, disabled or disabled veteran (SDV) members members, DHS considers the medical expenses for the SDV group member(s). It was not disputed that Claimant was a senior.

Verified medical expenses for SDV groups, child support and day care expenses are subtracted from a client's monthly countable income. Claimant alleged that he had medical expenses. DHS conceded that no attempt was made to verify the medical expenses in determining Claimant's FAP benefit eligibility. It is found that DHS erred by not seeking verification of Claimant's medical expenses.

It should be noted that this decision does not guarantee an increase in FAP benefits for Claimant. This decision should guarantee Claimant the opportunity to verify medical expenses which may increase his FAP benefit eligibility.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly determined Claimant's FAP benefit eligibility effective 7/24/12.

It is ordered that DHS:

- (1) request verification of Claimant's medical expenses in compliance with DHS regulations;
- (2) process Claimant's verified medical expenses to Claimant's FAP benefit eligibility effective 7/24/12; and
- (3) supplement Claimant for any FAP benefits, if any, not previously issued in error.

The actions taken by DHS are REVERSED.



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

Date Signed: 11/1/2012

Date Mailed: 11/1/2012

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:

