

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012-2301
Issue No.: 1000; 3002
Case No.: [REDACTED]
Hearing Date: November 7, 2011
County: Macomb County

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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 November 7, 2011, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and [REDACTED] Claimant's mother. Participants on behalf of Department of Human Services (Department) included [REDACTED] ES.

ISSUE

Did the Department properly calculate Claimant's 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. Claimant received FAP benefits in the amount of \$16.00.
2. Claimant's net income after allowable deductions was \$632.00 per month.
3. Claimant was in a group size of one.

4. On September 29, 2011, Claimant filed a hearing request, protesting the amount of FAP benefits and requesting a hearing for Medical Assistance (MA).
5. At the hearing, Claimant stated he no longer requested a hearing regarding MA.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

FAP

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.

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

At the hearing, Claimant did not dispute the figures used by the Department to arrive at the net income of \$632.00. A person in a group size of one with a net income of \$632.00 is entitled to a FAP benefit amount of \$16.00. The Department was therefore correct in its calculation of Claimant's FAP benefit amount. Claimant testified that he incurs monthly medical out-of-pocket medical expenses that he previously did not submit to the Department. Claimant may submit the medical expenses to the Department for possible future adjustments to the FAP grant.

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 the Department

properly calculated Claimant's FAP benefits improperly calculated Claimant's FAP benefits.

MA

The Michigan Administrative Code R 400.903(1) provides as follows:

An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by an agency action resulting in suspension, reduction, discontinuance, or termination of assistance.

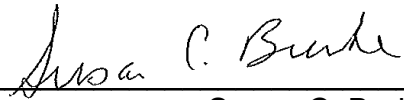
In this case, Claimant requested a hearing regarding MA. Shortly after commencement of the hearing, Claimant testified that he did not wish to proceed with a hearing on MA because his MA was not negatively affected. The Department agreed to the dismissal of Claimant's hearing request. Pursuant to MAC R 400.906(1), Claimant's hearing request is hereby DISMISSED.

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, it is ORDERED that the Department's FAP calculation decision is AFFIRMED REVERSED for the reasons stated on the record.

It is further ORDERED that the MA matter is DISMISSED pursuant to MAC R 400.906(1).



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

Date Signed: 11/9/11

Date Mailed: 11/9/11

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

Re consideration/Rehearing Request

P. O. Box 30639

Lansing, Michigan 48909-07322

SCB/sm

cc:

