

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201233705
Issue No.: 3002
Case No.: [REDACTED]
Hearing Date: March 15, 2012
County: Macomb DHS (12)

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 March 15, 2012 from Detroit, Michigan. Participants on behalf of Claimant included the above named claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly used the proper rent and utility amounts to determine Claimant's FAP benefit eligibility effective 1/2012.

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 was an ongoing FAP benefit recipient.
2. As of the date of the hearing, Claimant had yet to report a new rental obligation of \$545 with DHS.
3. On 12/17/11, DHS determined Claimant was eligible for \$173/month in FAP benefits based a rent obligation of \$495/month and a standard utility credit of \$553.
4. On 12/22/11, Claimant requested a hearing to dispute the FAP benefit determination for 1/2012.

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 Mich Admin Code, R 400.3001 through R 400.3015.

Claimant requested a hearing to dispute a FAP benefit determination for 1/2012. Claimant raised two specific issues in the dispute.

Claimant testified that he paid \$545/month in rent. Based on a budget summary presented as part of a Notice of Case Action (Exhibit 1), it was established that DHS budgeted only \$495 in rent for the FAP benefit determination. Claimant conceded that he had yet to report the rent increase to DHS following a move at his previous address which fell through.

DHS is to verify shelter expenses at application and when a change is reported. BEM 554 at 11. If the client fails to verify a reported change in shelter, DHS is to remove the old expense until the new expense is verified. *Id.*

DHS can not be faulted for failing to factor a rent obligation amount which Claimant failed to report. The only error made by DHS concerning the 1/2012 FAP benefit determination was perhaps a failure to remove the obsolete rental expense obligation from the budget. It is found that Claimant is not entitled to a \$545/month obligation in the 1/2012 benefit determination due to Claimant's failure to report the obligation.

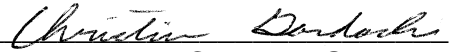
Claimant also contended that DHS failed to give credits for individual utility obligations. DHS gives a flat utility standard to all clients. BPB 2010-008. The utility standard of \$553 (see RFT 255) encompasses all utilities (water, gas, electric, telephone) and is unchanged, even if a client's monthly utility expenses exceed the \$553 amount. The budget summary noted that Claimant received the flat \$553 utility credit. Claimant is entitled to no further utility credits. It is found that DHS properly factored Claimant's utility obligation in the 1/2012 benefit determination.

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 when determining Claimant's FAP benefit eligibility for 1/2012
 did not act properly when

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


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

Date Signed: March 22, 2012

Date Mailed: March 22, 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 to:

Michigan Administrative hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CG/hw

cc:



