

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

IN THE MATTER OF:



Reg. No.: 2012-48599
Issue No.: 3003
Case No.:
Hearing Date: May 24, 2012
County: Oakland DHS (02)

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 May 24, 2012 from Detroit, Michigan. Participants on behalf of Claimant included the above named claimant. Participants on behalf of Department of Human Services (DHS) included , Specialist.

ISSUE

The issue is whether DHS properly determined Claimant's unemployment income in determining Claimant's eligibility for Food Assistance Program (FAP) benefits effective 5/2012.

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. Claimant received the following gross unemployment income on the following dates: \$664 on 3/22/12 and \$332 on 4/5/12 (see Exhibit 1).
3. On 4/13/12, DHS determined Claimant's FAP benefit eligibility for 5/2012, in part, on a monthly UC income for Claimant of \$1427.
4. On 4/19/12, Claimant requested a hearing to dispute the amount of UC income budgeted by DHS for the 5/2012 FAP benefit determination.

CONCLUSIONS OF LAW

The Food Assistance Program (formerly known as the Food Stamp 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). DHS administers the FAP pursuant to Michigan Compiled Laws 400.10, *et seq.*, and Michigan Administrative Code R 400.3001-3015. DHS regulations are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT). Updates to DHS regulations are found in the Bridges Policy Bulletin (BPB).

Claimant requested a hearing to dispute the amount of her FAP benefit eligibility for 5/2012. Claimant limited her dispute to the amount of UC prospected by DHS in the determination. It was not disputed that DHS budgeted \$1427 in unearned income and that the unearned income was solely based on Claimant's receipt of UC.

For non-child support income, DHS is to use income from the past 30 days if it appears to accurately reflect what is expected to be received in the benefit month. BEM 505 at 4. It was not disputed that DHS determined Claimant's FAP benefit eligibility on 4/13/12 and that Claimant received two bi-weekly UC payments in the prior 30 days, \$664 on 3/22/12 and \$332 on 4/5/12.


DHS converts biweekly non-child support income into a 30 day period by multiplying the income by 2.15. BEM 505 at 6. Multiplying Claimant's average biweekly UC income by 2.15, results in a countable income of \$1070. As noted above, DHS budgeted \$1427 in UC income for Claimant. Accordingly, it is found that DHS improperly determined Claimant's 5/2012 FAP benefit eligibility by over-budgeting Claimant's UC income.

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 UC income for purposes of a 5/2012 FAP benefit determination. It is ordered that DHS:

- (1) determine Claimant's 5/2012 FAP benefit eligibility based on the following gross UC income: \$664 on 3/22/12 and \$332 on 4/5/12; and
- (2) supplement Claimant for any FAP benefits not received as a result of the improper budgeting.

The actions taken by DHS are REVERSED.


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

Date Signed: 5/31/12

Date Mailed: 5/31/12

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

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