

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201257072
Issue No.: 3003
Case No.: [REDACTED]
Hearing Date: July 11, 2012
County: SSPC East (98)

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 July 11, 2012 from Detroit, Michigan. Participants included the above named claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Manager.

ISSUE

The issue is whether DHS properly denied Claimant's application 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 6/4/12, Claimant applied for FAP benefits.
2. At the time of Claimant's application, Claimant worked forty hours per week.
3. Claimant was the only member of the FAP benefit group.
4. Claimant received a standard credit for paying utilities.
5. On 6/5/12, DHS denied Claimant's application for FAP benefits due to excess income.
6. On 6/7/12, Claimant requested a hearing to dispute the denial of FAP benefits.

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 a denial of FAP benefits stemming from an application dated 6/4/12. Claimant raised four arguments in her dispute.

Claimant stated that she received FAP benefits in the past while working full-time and that she should not be denied based on income if her circumstances have not changed. Several possibilities exist for explaining how Claimant could be ineligible for FAP benefits in 6/2012 but not in the past: Claimant's circumstances actually had changed since she last received FAP benefits, DHS policy had changed since Claimant received FAP benefits, FAP benefits were incorrectly calculated in the past or Claimant failed to verify information resulting in no credit for an expense that was previously credited. It does not matter which of the above possibilities apply to Claimant because Claimant's past FAP benefit determinations have no bearing on the correctness of a subsequent FAP benefit determination. Claimant was given the option to go through the factors in the disputed benefit determination and chose to not do so. Claimant's first argument is found to be irrelevant.

Claimant noted that she ate food separately from her mother and that she should be considered a FAP benefit group of one person. DHS processed the determination exactly as Claimant wished. Thus, there is no dispute concerning FAP benefit group size.

Claimant testified that she was told by a DHS specialist that she was not given credit for paying utilities. Claimant contended that she should have received a credit for paying utilities even if the utilities are not in her name. 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. Just as policy requires, Claimant was given the standard \$553 utility credit in the FAP benefit determination, despite what she may have been told by a specialist.


Lastly, Claimant noted that she temporarily stopped working and that she is now in great need of FAP benefits. Claimant requested a hearing to dispute the DHS decision from 6/5/12. The circumstances of 6/5/12 are relevant, not circumstances that occur after 6/5/12. It was not disputed that Claimant was working full-time as of the date that

her application was denied. Thus, DHS properly considered Claimant to have full-time income. If Claimant chooses to reapply for FAP benefits, the subsequent change in her employment should certainly be considered.

As noted above, Claimant chose to not go through the FAP budget process during the hearing and limited her dispute based on the four above arguments. None of the four arguments justify any change in the DHS decision denying FAP benefit eligibility to Claimant.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly denied Claimant's FAP benefit application dated 6/4/12. The actions taken by DHS are AFFIRMED.


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

Date Signed: July 13, 2012

Date Mailed: July 13, 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.

201257072/ CG

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:

