

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 201264677  
Issue No.: 3003  
Case No.: [REDACTED]  
Hearing Date: August 15, 2012  
County: Wayne (76)

**ADMINISTRATIVE LAW JUDGE:** Alice C. Elkin

**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 August 15, 2012, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Assistance Payment Supervisor, and [REDACTED], Eligibility Specialist.

**ISSUE**

Did the Department properly recalculate Claimant's Food Assistance Program (FAP) benefits as required by the Hearing Decision signed June 26, 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. A hearing was held on June 20, 2012, in response to Claimant's hearing request filed on May 21, 2012, concerning the calculation of her FAP monthly benefits at \$154 effective May 1, 2012.
2. In the hearing decision signed June 26, 2012, the Department was ordered to recalculate Claimant's FAP budget for May 1, 2012, ongoing, and ensure that Claimant's mortgage expenses were included.

3. In an Administrative Hearing Order Certification dated June 27, 2012, the Department certified that Claimant's FAP budget included a monthly mortgage of \$941 and no FAP supplements were due to Claimant.
4. Claimant filed a hearing request on July 12, 2012, disputing the Department's actions.

### **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 Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3101 through R 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

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.

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

The Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq.*

The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and 2000 AACS, R 400.3151 through R 400.3180.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98

and 99. The Department provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001 through R 400.5015.

Additionally, in her request for hearing, Claimant identified the program in dispute as "food stamps." In her written reason for the hearing, Claimant again identified the FAP program but also stated "for medical for my daughters one was denied." The Department did not address Claimant's Medical Assistance (MA) case in its hearing summary or in the evidence presented. However, the Department stated that Claimant had filed several hearing requests, including hearing requests regarding her two daughters' MA cases. Claimant acknowledged that she had filed other hearing requests and stated that a hearing concerning the MA cases was scheduled on August 22, 2012. In light of the fact that Claimant's hearing request did not clearly request a hearing regarding the MA cases and that Claimant filed additional hearing requests concerning the MA program, with a hearing to address that issue scheduled for August 22, 2012, the only issue addressed in this hearing decision is the Department's recalculation of Claimant's FAP benefits in response to the order in the June 26, 2012, Hearing Decision.

At the hearing, the Department presented a FAP budget for May 1, 2012, ongoing showing the calculation of Claimant's FAP benefits. The budget showed that Claimant received unearned income of \$757 and paid a monthly mortgage of \$941. Claimant confirmed that, as of May 1, 2012, those figures were accurate. The Department properly applied the standard deduction of \$146 available to her FAP group size of one. RFT 255. The Department also applied an excess shelter deduction of \$459, the maximum available to a FAP group not containing a Senior/Disabled/Veteran (SDV) member. BEM 554; RFT 255. A review of Claimant's FAP budget, based on these figures, shows that the Department properly calculated Claimant's monthly FAP benefits for May 1, 2012, ongoing and Claimant was not entitled to any FAP supplements. Thus, the Department complied with the order in the June 26, 2012 hearing decision and acted in accordance with Department policy in recalculating Claimant's FAP budget.

At the hearing, Claimant expressed concerns regarding her FAP group size, which consisted only of herself, contending that her daughters should be included in her FAP group. The Department testified, and Claimant confirmed, that issues concerning Claimant's FAP group composition had been addressed at prior hearings. Claimant was advised that she could request a rehearing with respect to the hearing decisions issued following those hearings if she was concerned about the findings in those decisions and if the request for rehearing was timely. She was also advised that, if circumstances had changed in her household since the time her daughters had been removed from her FAP case, she could file an application with the Department to add her daughters back to her FAP case.

Claimant also testified that her monthly unearned income was \$684. Claimant acknowledged, however, that she reported the decreased unearned income to the Department in connection with her June 2012 redetermination but prior to that time she was receiving the \$757 reflected in her May 1, 2012, FAP budget. Thus, the

Department acted in accordance with Department policy in calculating Claimant's May 1, 2012, ongoing FAP budget using \$757 for unearned income.

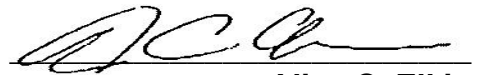
**DECISION AND ORDER**

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 it recalculated Claimant's May 1, 2012, ongoing FAP budget.

did not act properly when .

Accordingly, the Department's decision is  AFFIRMED  REVERSED for the reasons stated on the record and above.



**Alice C. Elkin**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: August 21, 2012

Date Mailed: August 21, 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.

201264677/ACE

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

ACE/hw

cc:

