

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 20126637  
Issue No.: 3002,3003  
Case No.: [REDACTED]  
Hearing Date: November 21, 2011  
County: Macomb County DHS (20)

**ADMINISTRATIVE LAW JUDGE:** Lynn M. Ferris

**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 21, 2011, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant and [REDACTED] a witness. 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 \$ 144 per month.
2. The Claimant receives RSDI.
3. The Claimant pays a mortgage which includes her taxes and insurance. The mortgage amount was not included in her FAP budget shelter calculation.
4. The Claimant's FAP benefits were not calculated as an SDV group although the Claimant receives RSDI and is disabled.

5. On 9/30/11, Claimant filed a hearing request, protesting the amount of benefits.

**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 1999 AC, Rule 400.3001 through Rule 400.3015.

Additionally, the Department presented the Claimant's September 2011 FAP budget and excess shelter calculation. The Department did not include any mortgage amount in the shelter calculation for the FAP budget, even though the information was in its file and had been provided by the Claimant. The Department also did not calculate the Claimant's FAP benefits, taking into account the Claimant's status as disabled when computing her benefits and determining her excess shelter amount. Lastly, the Department may have entered the incorrect income for the Claimant's unearned income from RSDI. The Department used \$621 and the Claimant testified that it was \$661. Based upon these errors regarding the shelter calculation and not considering the Claimant's disability status, the Department did not correctly compute the Claimant's FAP benefits and must recalculate her FAP benefits. It should also be noted that the Claimant stated that she pays Medicaid Part B premiums for health insurance, which if correct, must be included as a medical expense when calculating FAP benefits. Lastly, the Claimant should remember that she must report any an all changes in income, and housing mortgage expense within 10 days of becoming aware of the change. BEM 554.

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.

**DECISION AND ORDER**

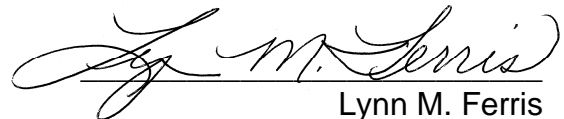
The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department

did act properly.     did not act properly.

Accordingly, the Department's FAP calculation decision is  AFFIRMED  REVERSED for the reasons stated on the record and as set forth above.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. The Department shall recalculate the Claimant's FAP benefits for September 2011 to include the correct shelter expense (mortgage expense) based upon the verification it has in its files.
2. The Department shall verify the Claimant's RSDI income based upon an SOLQ report and shall also determine whether the Claimant is responsible to pay a Medicaid Part B premium. The Department shall include the correct unearned income it determines from the SOLQ and the Medicaid premium, if any, as a medical expense when re-computing the FAP benefits.
3. The Department shall consider the Claimant's SDV status, and if verified as a recipient of RSDI, the Department shall compute the Claimant's FAP budget as an SDV group.
4. The Department shall issue a supplement to the Claimant, if one is appropriate, for any FAP benefits she is otherwise entitled to receive in accordance with Department policy.



Lynn M. Ferris  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: 11/23/11

Date Mailed: 11/23/11

**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.

2012-6637/LMF

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

LMF/hw

cc:

