

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

IN THE MATTER OF:



Reg. No.: 201312193
Issue No.: 3003
Case No.: [REDACTED]
Hearing Date: January 7, 2013
County: Wayne DHS (15)

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 January 7, 2013 from Detroit, Michigan. Participants included the above-named claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED] Specialist.

ISSUE

The issue is whether DHS properly failed to factor Claimant's reported rent in a Food Assistance Program (FAP) eligibility determination effective 12/2012.

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. On an unspecified date prior to 12/2012, Claimant reported to DHS that she was responsible for paying a monthly rent of \$750/month.
3. DHS failed to request verification of the rent obligation.
4. On 11/2/12, DHS reduced Claimant's FAP benefit eligibility effective 12/2012, in part, based on a \$330/month rental obligation.
5. On 11/14/12, Claimant requested a hearing to dispute the FAP benefit determination effective 12/2012.

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).

Claimant requested a hearing to dispute a FAP benefit redetermination effective 12/2012. FAP benefit budget factors include: income, standard deduction, mortgage expenses utility credit, medical expenses, child support expenses, day care expenses, group size and senior/disability/disabled veteran status. The budget factors relied on by DHS were discussed with Claimant during the hearing. Claimant only objected to the amount budgeted by DHS for Claimant's rent.

Claimant contended that she reported an increase in her rental obligation to DHS. Claimant did not provide specifics about when she reported the increase, but she implied that the change was reported to DHS well before 11/2012, sufficient time for DHS to process the change to impact Claimant's FAP benefit eligibility for 12/2012. DHS presumed that Claimant made no such report. Neither side presented compelling evidence to support their arguments.

DHS was unable to locate Claimant's case file so that it could be checked at the hearing. Claimant suggested that she may have submitted verification of a rental increase in the past. Checking the case file records may have verified Claimant's testimony.

Claimant's presentation of evidence was also underwhelming. Claimant failed to bring proof of the rent increase to the hearing. Claimant also failed to bring proof that a rent increase was reported to DHS.

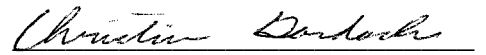
It also did not help Claimant that the FAP reduction in dispute was the result of starting employment income; however, Claimant testified that she'd been receiving employment income for several months prior to DHS budgeting the income. This does not necessarily mean that Claimant was at fault for the DHS failure to timely budget the income, but it is a reasonable possibility. If Claimant failed to update her employment income with DHS, it is more likely she would have also failed to report a change in rent obligation.

Further, Claimant never specified any dispute concerning rent prior to the hearing. Her hearing request was prompted by a general dissatisfaction with a benefit reduction. Presumably, DHS had been budgeting the same \$330 for Claimant's rent for several months without objection by Claimant.

Based on the presented evidence and the totality of circumstances, Claimant failed to establish that DHS erred in budgeting a rental obligation of \$330 concerning her 12/2012 FAP benefit eligibility. This decision does not prevent Claimant from verifying the obligation to affect her future FAP benefit eligibility.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly determined Claimant's FAP benefit eligibility effective 12/2012. The actions taken by DHS are AFFIRMED.


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

Date Signed: January 11, 2013

Date Mailed: January 11, 2013

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

CG/hw

cc:

