

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-20003
Issue No.: 3002
Case No.: [REDACTED]
Hearing Date: February 20, 2013
County: Bay

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

HEARING DECISION

In accordance with MCL 400.9, MCL 400.37, and 1999 AC, R 400.903, a hearing was held in this matter on January 12, 2012. Claimant personally appeared and provided testimony. The Department of Human Services (the Department) was represented by Cash Assistance Worker [REDACTED] [REDACTED].

ISSUE

In dispute was whether the Department properly reduced Claimant's benefits for the Food Assistance Program (FAP) based on excess income.

FINDINGS OF FACT

Based on the competent, material, and substantial evidence on the whole record, including the testimony of witnesses, the Administrative Law Judge, finds as relevant fact:

1. Claimant received benefits for Food Assistance Program (FAP).
2. On December 8, 2012, the Department sent Claimant notice of the reduction.
3. Beginning January 1, 2013, the Department reduced Claimant's benefits due to excess income.
4. On December 18, 2012, Claimant filed a hearing request, contesting the Department's reduction of benefits.

CONCLUSIONS OF LAW

The FAP [formerly known as the Food Stamp (F S) program] was 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 administers the FAP in

accordance with MCL 400.10, *et seq.*, and 1997 AACRS, R 400.3001 through R 400.3015. Agency policies pertaining to this program are found in the BAM, BEM, and RFT.

Claimant admitted during the hearing that the department used the correct unearned income and housing costs listed on page 2 of the Notice of Case Action dated 12/8/2012, in calculating her FAP allotment. Claimant stated that she does not understand why her daughter has to be on her FAP case when the department initially opened up a FAP case just for her daughter. Claimant also did not understand why, with a family of three, she received just over \$ [REDACTED] when she knew single people received \$ [REDACTED] and she knew people who had a family of 3 that were receiving \$ [REDACTED]. Policy was explained numerous times to Claimant. The department also admitted that they had erred by taking Claimant's daughter off Claimant's case, which caused a huge increase in Claimant's FAP benefits. Then when the department found their error and corrected it, it resulted in a decrease of FAP benefits to Claimant, as the department was required to include Claimant's daughter's FIP and RSDI income.

According to Federal regulations at 7 CFR 273.10, which provides the standards for income and the amount of household benefits, the department properly found that a household size of three with net income of \$ [REDACTED] is entitled to an \$ [REDACTED] FAP allotment. RFT 260. Therefore, the department's FAP eligibility determination was correct based on Claimant's uncontested income.

DECISION AND ORDER

Based on the above findings of fact and conclusions of law, and for the reasons stated on the record, the Administrative Law Judge finds that the Department did act properly.

Accordingly, the Department's decision is **AFFIRMED**.

It is SO ORDERED.

/s/ _____
Vicki L. Armstrong
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: February 21, 2013

Date Mailed: February 21, 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 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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

VLA/las

cc:

