

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

**IN THE MATTER OF:**

██████████  
██████████  
████████████████████

Reg. No.: 2013--26256  
Issue No.: 3002  
Case No.: ██████████  
Hearing Date: June 19, 2013  
County: Gogebic

**ADMINISTRATIVE LAW JUDGE:** Susan C. Burke

**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 hearing was held on June 19, 2013, in Bessemer, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, County Director, ██████████, ES, and ██████████, FIM. ██████████, Agent of the Office of Inspector General, was also present.

**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 \$138.00.
2. Claimant had unearned income in the amount of \$1,883.00.
3. Claimant was in group size of one.
4. Claimant had allowable medical expenses in the amount of \$691.00.

5. On January 26, 2013, 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.

BEM 550 instructs that eighty percent of the earned income of a household be added to unearned income to determine gross income. Adjusted gross income in a household of one is determined by subtracting the standard amount of \$148.00 (RFT 255). Monthly net income for FAP purposes is then determined by subtracting allowable expenses, such as a shelter and medical expenses, if any. BEM 554.

In the present case, Claimant received monthly FAP benefits in the amount of \$138.00. Claimant had unearned income in the amount of \$1,883.00 per month. Claimant was in group size of one. Claimant had allowable medical expenses in the amount of \$691.00. Claimant had monthly housing expenses in the amount of \$784.78.

At the hearing, Claimant did not dispute the figures used by the Department with respect to unearned income (Exhibit 1, p. 12) and housing expenses (Exhibit 1, p. 12). Claimant did dispute the medical expenses used by the Department as well as the heat and utility standard of \$575.00.

The Department substantiated the figure it used for medical expenses. (Exhibit 1, p. 9, Exhibit 2, pp. 1-7) See BEM 554. Claimant submitted for examination Exhibit A, which states, "Pt. owns a hot tub that is medically necessary. He also needs to buy a new back brace due to recent weight loss." However, the hot tub and back brace expenses were not submitted for examination. Claimant also testified that he incurred additional medical expenses, but did not submit proof of the additional medical expenses at the hearing. Without proof that Claimant incurred medical expenses, it cannot be concluded that the Department did not properly include the expense in its calculation.

Claimant also testified that the use of the hot tub increases his utility expense, as does the use of his oxygen equipment. However, with respect to FAP, a standard amount of utility expense is used to calculate FAP benefits. See BEM 554, p. 1, and RFT 255. Per RFT 255, the correct utility standard is \$575.00.

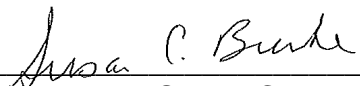
After careful review of the budgets submitted by the Department (Exhibit 1, pp. 7, 12), it is concluded that the Department correctly followed its policy and procedure in calculating Claimant's FAP benefits.

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.

### **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.

Accordingly, the Department's FAP calculation decision is AFFIRMED for the reasons stated within the record.

  
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Susan C. Burke  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: June 25, 2013

Date Mailed: June 26, 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 mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the mailing 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.

2013-26256/SCB

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

SCB/tm

cc: [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]