

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201328513
Issue No.: 3015
Case No.: [REDACTED]
Hearing Date: March 14, 2013
County: Wayne (#19)

ADMINISTRATIVE LAW JUDGE: MICHELLE HOWIE

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 conducted from Detroit, Michigan on Thursday March 14, 2013. The Claimant appeared and testified. Participant on behalf of Department of Human Services (Department) included [REDACTED] (Eligibility Specialist).

ISSUE

Whether the Department properly closed Claimant's Food Assistant Program benefits (FAP)?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Claimant was an ongoing FAP recipient with a group size of 4.
2. Claimant receives \$1023/month Retirement, Survivor's, Disability Insurance ("RSDI") income. (Exhibit 2, p.1)
3. Claimant's two dependent children in the household each receive \$254/month in RSDI income. (Exhibit 2, p. 2 & 3)
4. Claimant's fiancé, in the household, receives \$234/weekly unemployment compensation benefits effective December 30, 2012. (Exhibit 2, p. 4)

5. The household shelter obligation is \$478/monthly.
6. On January 25, 2013, the Department sent Notice of Case Action informing Claimant of termination of FAP benefits, effective March 1, 2013, based on the groups reported income and expenses. (Exhibit 4)
7. On February 4, 2013, the Department received Claimant's written hearing request disputing the termination of FAP 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 Mich Admin Code, R 400.3001 through R 400.3015.

Group composition is the determination of which persons living together are included in the FAP program group. BEM 212 (November 2012), p. 1. The relationship(s) of the people who live together affects whether they must be included or excluded from the group. It must first be determined if all household person must be included in the group. If they are not mandatory group members, then it is determined if they purchase and prepare food together or separately. The phrase, purchase and prepare together, is meant to describe persons who customarily share food in common. BEM 212, p. 5. In this case, Claimant reported that her fiancée that lives in the home is a group member.

The Department determines a client's eligibility for program benefits based on the client's actual household income and/or prospective income. BEM 500 (January 2013), p. 3. All countable earned and unearned income available to the client must be considered in determining the client's eligibility for program benefits. The total amount of unearned income budgeted for the group is \$2,711.00. Claimant verified that the amount of unearned income attributable to each group member in the FAP budget was accurate. BEM 556 (July 2011) outlines the proper procedures for calculating FAP benefit eligibility. A review of the FAP budget shows that the Department properly applied the \$159 standard deduction applicable to the FAP group size of four, the \$575 standard heat and utility deduction available to all FAP recipients and the correct housing obligation amount of \$478 for the group. (Exhibit 3) BEM 556 (July 2011) outlines the proper procedures for calculating benefit eligibility.

Claimant believed the monthly amount calculated for her fiance's income was inaccurate. During the hearing, it was explained that pursuant to policy, the computer

system automatically calculates the monthly income based on the pay frequency (weekly or bi-weekly) and the amount. Based on Claimant's group size and income, the FAP benefit amount is \$0. Accordingly, the Department established it acted in accordance with policy when it terminated Claimant's FAP benefits as of March 1, 2013 due to excessive net 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 acted in accordance with policy when it closed Claimant's FAP benefits effective March 1, 2013 due to excess income.

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

M. Howie

MICHELLE HOWIE
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 3/21/2013

Date Mailed: 3/21/2013

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 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

201328513/MH

P. O. Box 30639
Lansing, Michigan 48909-07322

MH/hw

cc:

