

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201340047
Issue No.: 3003
Case No.: [REDACTED]
Hearing Date: May 6, 2013
County: Wayne (19)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 May 6, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and [REDACTED] Claimant's son, translator and Authorized Hearing Representative (AHR). Participants on behalf of the Department of Human Services (Department) included [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly calculate Claimant's monthly 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. On March 26, 2013, the Department sent Claimant a Notice of Case Action informing him that his monthly FAP benefits would decrease to \$267 effective May 1, 2013.
2. On April 5, 2013, Claimant filed a hearing request regarding the calculation of his FAP benefits.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), the Department of Human Services Bridges Eligibility

Manual (BEM), and the Department of Human Services 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.

Claimant requested a hearing disputing the Department's calculation of his \$267 monthly FAP allotment. At the hearing, the Department provided a FAP budget showing the calculation of Claimant's FAP benefits. Claimant's AHR acknowledged that Claimant and his wife each received gross monthly Supplemental Security Income (SSI) of \$533 and monthly State SSI Payments (SSP) of \$10 (based on quarterly payments of \$31.50). The total of these sources of income is \$1086, as reflected on the FAP budget. Claimant's FAP budget included a \$148 standard deduction available to Claimant's FAP group size of two. RFT 255 (October 1, 2012), p 1. Claimant's AHR verified that no medical expenses were submitted to the Department and that Claimant and his wife had no child care or child support expenses.

The FAP budget also shows that Claimant received an excess shelter deduction of \$606, which took into consideration the standard heat and utility deduction of \$575 available to all FAP recipients and the verified monthly shelter expenses of \$500 that the Department had at the time it calculated Claimant's FAP budget. RFT 255 (October 1, 2012), p 1; BEM 554 (October 1, 2012), p 1.

Based on the foregoing figures and a FAP group size of two, the Department acted in accordance with Department policy when it calculated Claimant's net income of \$332 and monthly FAP benefits of \$267. BEM 556 (July 1, 2011); RFT 260 (December 1, 2012), p 3.

Although Claimant's AHR testified that a current lease showing Claimant's monthly rent of \$650 was submitted to the Department, he acknowledged that this information was provided to the Department on April 17, 2013, after the Department calculated Claimant's FAP budget and after Claimant requested his hearing concerning the FAP calculation. This reported change must be processed by the Department in accordance with Department policy. BAM 220 (November 2012), p 8. Claimant may request a hearing if he disputes the Department's recalculation of his FAP benefits based on the revised shelter expenses.

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 Department policy when it calculated Claimant's May 1, 2013, ongoing FAP budget.

Accordingly, the Department's decision is AFFIRMED.



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 5/14/2013

Date Mailed: 5/14/2013

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

ACE/hw

cc:

