

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-41203
Issue No.: 3002, 3008
Case No.: [REDACTED]
Hearing Date: [REDACTED]
County: SSPC-CENTRAL

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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 [REDACTED], from [REDACTED], Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED].

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's Food Assistance Program (FAP) eligibility?

FINDINGS OF FACT

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

1. The Claimant submitted a Food Assistance Program (FAP) application on [REDACTED].
2. On [REDACTED], the Department sent the Claimant a Verification Checklist (DHS-3503) with a due date of [REDACTED].
3. On [REDACTED], the Department approved the Claimant for Food Assistance Program (FAP) benefits with a \$ [REDACTED] monthly allotment.
4. The Department received the Claimant's request for a hearing on [REDACTED], protesting the amount of her Food Assistance Program (FAP) benefits.

CONCLUSIONS OF LAW

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, R 400.3001 through Rule 400.3015.

All earned and unearned income available to the Claimant is countable. Earned income means income received from another person or organization or from self-employment for duties for duties that were performed for compensation or profit. Unearned income means all income that is not earned, including but not limited to funds received from the Family Independence Program (FIP), State Disability Assistance (SDA), Child Development and Care (CDC), Medicaid (MA), Social Security Benefits (RSDI/SSI), Veterans Administration (VA), Unemployment Compensation Benefits (UCB), Adult Medical Program (AMA), alimony, and child support payments. The amount counted may be more than the client actually receives because the gross amount is used prior to any deductions. Department of Human Services Bridges Eligibility Manual (BEM) 500 (January 1, 2013).

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness. The State Office of Administrative Hearings and Rules ("SOAHR") may grant a hearing for any of the following:

- Denial of an application and/or supplemental payments
- Reduction in the amount of program benefits or service
- Suspension or termination of program benefits or service
- Restrictions under which benefits or services are provided
- Delay of any action beyond the standard of promptness
- For FAP only, the current level of benefits or denial of expedited service. Department of Human Services Bridges Assistance Manual (BAM) 600 (February 1, 2013), p 3.

All income is converted to a standard monthly amount. If the client is paid weekly, the Department multiplies the average weekly amount by 4.3. If the client is paid every other week, the Department multiplies the average bi-weekly amount by 2.15. Department of Human Services Bridges Eligibility Manual (BEM) 405 (October 1, 2010), pp 6-7.

The Claimant submitted a Food Assistance Program (FAP) application on [REDACTED]. On [REDACTED], the Department approved the Claimant for Food Assistance Program (FAP) benefits with a [REDACTED] monthly allotment.

The Claimant disputed the method that the Department determined her prospective countable income. Although the Claimant does not dispute that she is paid bi-weekly, she argued that the period of her employment being considered does not contain any months that she would receive three paychecks, and therefore the Department should treat her income as if she was paid twice a month.

This Administrative Law Judge finds that the amounts the Claimant received in her paychecks or the frequency that she is paid is not in dispute. The Department properly applied its policies towards the Claimant's circumstances. The Claimant does not receive irregular income, and no circumstances are present here to justify special handling of her income.

On [REDACTED] the Department sent the Claimant a Verification Checklist (DHS-3503) with a due date of [REDACTED]. The Department requested, among other things, that the Claimant provide verification of her monthly shelter expenses. The Claimant provided the Department with a portion of her lease agreement, but did not include the signature portion.

The Department will verify shelter expenses at application and when a change is reported. If the client fails to verify a reported change in shelter, the Department will remove the old expense until the new expense is verified. Department of Human Services Bridges Eligibility Manual (BEM) 554 ([REDACTED]), p 11.

The Claimant responded to the Department's request for information in a timely manner, but failed to provide sufficient verification of her monthly shelter expenses. The portion of the lease agreement submitted to the Department does not provide sufficient verification that the reported expense is accurate, current, and continuing.

Based on the evidence and testimony available during the hearing, the Department properly excluded the monthly shelter expense reported by the Claimant as directed by BEM 554.

The Department has established that it properly determined the Claimant's eligibility for the Food Assistance Program (FAP).

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department properly determined the Claimant's eligibility for the Food Assistance Program (FAP).

The Department's Food Assistance Program (FAP) eligibility determination is **AFFIRMED**. It is **SO ORDERED**.

/s/ **Kevin Scully**
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 05/30/2013

Date Mailed: 05/30/2013

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

2013-41203/KS

KS/kl

cc:

