

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201341661
Issue No.: 3003
Case No.: [REDACTED]
Hearing Date: May 16, 2013
County: Wayne DHS (76)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 16, 2013, from Detroit, Michigan. Participants included the above-named Claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly factored income in determining Claimant's eligibility for 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 was an ongoing FAP benefit recipient.
2. Claimant was part of a FAP benefit group that also included her three daughters.
3. Claimant was eligible for \$797/month in Retirement, Survivors, Disability Insurance (RSDI).
4. Claimant received \$0 in RSDI for 6/2013.
5. One of Claimant's daughters received \$165 in RSDI and a second daughter received \$962 in RSDI.

6. Claimant had a third daughter that received \$597/month in federal Supplemental Security Income (SSI) benefits and an additional \$14/month (averaged) in Michigan-issued SSI benefits.
7. Claimant received \$62/month in child support for one, or more of her daughters.
8. On 4/3/13, DHS determined Claimant's FAP benefit eligibility, effective 5/2013, in part, based on a total household income of \$1914.
9. On 4/15/13, Claimant requested a hearing to dispute the income factored in the FAP benefit determination.

CONCLUSIONS OF LAW

The Food Assistance Program (formerly known as the Food Stamp 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). DHS administers the FAP pursuant to Michigan Compiled Laws 400.10, *et seq.*, and Michigan Administrative Code R 400.3001-3015. DHS regulations are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

Claimant requested a hearing to dispute a FAP benefit determination, effective 5/2013. Claimant limited her dispute to the amount of the income budgeted by DHS in the determination. During the hearing, DHS was asked to provide a basis for how Claimant's household income was determined.

It was not disputed that Claimant was eligible for \$797 in gross monthly income. It was also not disputed that Claimant did not receive any RSDI payments in 5/2013 (this being the first month affected by the case action which Claimant disputed) due to a Social Security Administration overpayment recoupment. DHS initially thought that \$797 in RSDI was budgeted for Claimant in the FAP benefit determination. As it happened, DHS budgeted \$0 for Claimant's RSDI for 5/2013. Thus, there is no dispute concerning this income, at least concerning the 4/6/13 case action. If DHS increases the amount budgeted for Claimant's RSDI, Claimant may request another hearing to dispute the issue. It should also be noted that DHS policy appeared to favor budgeting \$0 in RSDI for Claimant in months when her benefits were recouped.

Monthly income budgeted by DHS which Claimant did not dispute included: \$597 in federal SSI benefits, \$14 in Michigan-issued SSI benefits, \$165 in RSDI, \$962 in RSDI and \$62 in child support. This income added up to \$1800/month.

It was not disputed that DHS budgeted \$1914 in income for Claimant's household. DHS was unable to justify how this figure was calculated. Accordingly, the FAP benefit determination was improper based on the income calculation.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly budgeted Claimant's income in determining Claimant's FAP benefit eligibility. It is ordered that DHS:

- (1) redetermine Claimant's FAP benefit eligibility, effective 5/2013, subject to the findings that Claimant's household received \$1800 in unearned income from: child support (\$62), federal SSI (\$597), Michigan-issued SSI (\$14) and RSDI (\$962+\$165); and
- (2) supplement Claimant for any benefits not issued as a result of the improper income budgeting.

The actions taken by DHS are REVERSED.



Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 5/24/2013

Date Mailed: 5/24/2013

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

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cc:

