

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201343825
Issue No.: 3002
Case No.: [REDACTED]
Hearing Date: May 30, 2013
County: Wayne County (#18)

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 on Thursday, May 30, 2013, from Detroit, Michigan, Claimant appeared and testified. Participants on behalf of Department of Human Services (Department) included [REDACTED] (Family Independence Manager) and [REDACTED] (Eligibility Specialist).

ISSUE

Whether the Department properly determined the Claimant's Food Assistance Program (FAP) allotment?

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 is an ongoing FAP recipient with a group size of 1.
2. As of March 1, 2013, the Claimant was receiving unemployment income in the amount of \$404 bi-weekly. (Exhibit 2)
3. The Claimant's housing expense is \$372.44 and she receives the standard utility deduction of \$575.

4. On April 15, 2013 the Department sent Notice of Case Action that Claimant's FAP benefits would be increased to \$124 effective May 1, 2013 through March 1, 2014.
5. On this same date, the Claimant notified the Department that her unemployment benefit was reduced to \$360 bi-weekly as of April 15, 2013.
6. On April 25, 2013, the Department received Claimant's written hearing requesting disputing the amount of her FAP allotment.
7. On April 26, 2013, the Department sent Notice of Case Action informing the Claimant that her FAP benefits would be increased to \$152 from \$124 due to the change in income.

CONCLUSIONS OF LAW

The Department of Human Services (DHS) 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.

The Department determines a client's eligibility for program benefits based on the client's actual 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 Claimant's eligibility for program benefits. BEM 500 (November 2012) All income is converted to a monthly amount. BEM 505 (October 2010) A standard monthly amount must be determined for each income source used in the budget. BEM 505, p. 1. Weekly benefit amounts are converted to a monthly amount by multiplying the weekly amount by 4.3. BEM 505, p. 6. Bi-weekly amounts are converted by multiplying the amount by 2.15. BEM 505, p. 6.

In this case, the Claimant received unemployment compensation in the amount of \$404/bi-weekly. When determining eligibility, the Department converted the Claimant's bi-weekly unearned income to a standard monthly amount of \$868 ($\$404 \times 2.15 = \868 rounded). A review of the FAP budget shows that the Department properly applied the \$148 standard deduction applicable to a FAP group size of one, the \$575 standard heat and utility deduction available to all FAP recipients and the correct housing obligation amount of \$372.44. Claimant is not eligible for the medical expense deduction as she is not a senior, veteran or disabled.

I find the Department established it acted in accordance with policy when it determined Claimant eligible for \$124 in FAP allotment based on the income information before the Department at the time of determination. While Claimant reported a decrease in her unemployment benefits on April 15, 2013, any reported income change is required to be processed by the Department in accordance with policy to affect future benefits.

Accordingly, the Department action is upheld.

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 determined the Claimant's FAP allotment amount of \$124 effective May 1, 2013.

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



Michelle Howie
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 6/7/2013

Date Mailed: 6/7/2013

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

MH/hw

cc:

