

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 201316398 & 17895
Issue No.: 3000, 2000, 3002
Case No.: [REDACTED]
Hearing Date: January 16, 2013
County: Kent County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon two requests for a hearing submitted by Claimant. A hearing on Register number 201316398 on January 16, 2013 and for Register number 201317895 on January 24, 2013. The hearing for both was conducted today January 16, 2013. Claimant appeared and testified. The issue for 201316398 was superseded by processing of her Food Assistance Program (FAP) application so that issue is dismissed. Under 201317895 Claimant requested a hearing on the amount of her Food Assistance Program (FAP) benefits and Medical Assistance (MA). At this hearing it was determined that Claimant's Medical Assistance (MA) application is still pending so that issue is dismissed.

ISSUE

Did the Department of Human Services determine the proper amount of Claimant's Food Assistance Program (FAP) benefits?

FINDINGS OF FACT

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

- (1) On December 3, 2012, Claimant's Food Assistance Program (FAP) re-determination application was processed. Unemployment Compensation Benefits (UCB) which Claimant was receiving were added to her financial eligibility budget. The budget did not include a second mortgage Claimant reported on her Redetermination Form (DHS-1010). The budget showed that Claimant had a net income of \$755 and was eligible for \$ [REDACTED] per month of Food Assistance Program (FAP) benefits. Claimant was sent notice of the determination.

- (2) On December 5, 2012, Claimant was sent a Verification Checklist (DHS Form 3503) for the second mortgage.
- (3) On December 7, 2012, Claimant submitted verification of the second mortgage and a request for hearing.
- (4) On December 12, 2012, Claimant's Food Assistance Program (FAP) financial eligibility budget was updated to include the second mortgage. The updated budget showed that Claimant had a net income of \$ [REDACTED] but was still only eligible for \$ [REDACTED] per month of 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 of Human Services (DHS or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

During this hearing Claimant's Unemployment Compensation Benefits (UCB) income was verified and both of her shelter expenses were verified. The two financial eligibility budgets were reviewed. Following the hearing RFT 260 FOOD ASSISTANCE ISSUANCE TABLES were checked and verified that a net income of \$775 and a net income of \$ [REDACTED] are both eligible for \$ [REDACTED] per month of Food Assistance Program (FAP) benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services determined the proper amount of Claimant's Food Assistance Program (FAP) benefits.

It is ORDERED that the actions of the Department of Human Services, in this matter, are **UPHELD**.

/s/ _____
Gary F. Heisler
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: January 24, 2013

Date Mailed: January 24, 2013

NOTICE: Administrative Hearings 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. Administrative Hearings 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.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

GFH/

cc:

