

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2013-40097  
Issue No.: 3002, 3008  
Case No.: [REDACTED]  
Hearing Date: [REDACTED]  
County: Macomb DHS (36)

**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 Lansing, 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 is an ongoing Food Assistance Program (FAP) recipient.
2. On [REDACTED] the Claimant provided the Department with verification that her monthly shelter expense was \$ [REDACTED] per week as of [REDACTED].
3. On [REDACTED], the Claimant signed a lease with a monthly rent expense of [REDACTED].
4. On [REDACTED], the Department received an application for benefits showing a monthly shelter expense of [REDACTED].
5. On [REDACTED], the Department sent the Claimant a Verification Checklist (DHS-3503) with a due date of [REDACTED]. The

Department requested that the Claimant provide verification of her monthly shelter expense.

6. The Claimant receives monthly unearned income in the gross monthly amount of \$ [REDACTED]
7. On [REDACTED], the Department determined that the Claimant is eligible for a monthly Food Assistance Program (FAP) allotment of [REDACTED] as of [REDACTED]
8. The Department received the Claimant's request for a hearing on [REDACTED], protesting the amount of her monthly Food Assistance Program (FAP) allotment.

### **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.

Housing expenses include rent, mortgage, a second mortgage, home equity loan, required condo or maintenance fees, lot rental or other payments including interest leading to ownership of the shelter occupied by the FAP group. Department of Human Services Bridges Eligibility Manual (BEM) 554 (October 1, 2012), p 10.

An expense is allowed if all of the following:

- The service is provided by someone outside of the FAP group.
- Someone in the FAP group has the responsibility to pay for the service in money.
- Verification is provided, if required. BEM 554, p1.

The Department is required to 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. BEM 554, p 11.

In this case, the Claimant is an ongoing Food Assistance Program (FAP) recipient.

On [REDACTED], the Claimant provided the Department with verification that her monthly shelter expense was [REDACTED] per week as of [REDACTED].

On [REDACTED], the Claimant signed a lease with a monthly rent expense of [REDACTED]

On [REDACTED], the Department received an application for benefits showing a monthly shelter expense of [REDACTED]. On [REDACTED] the Department sent the Claimant a Verification Checklist (DHS-3503) with a due date of [REDACTED]. The Department requested that the Claimant provide verification of her monthly shelter expenses.

The Claimant receives monthly unearned income in the gross monthly amount of \$ [REDACTED], an amount that the Claimant did not dispute during the hearing. The Claimant's adjusted gross income of [REDACTED] was determined by subtracting a standard [REDACTED] deduction from her total monthly income. The Claimant's adjusted excess shelter amount of [REDACTED] was determined by subtracting 50% of her adjusted gross income from her monthly shelter expenses of [REDACTED], which consisted solely of the standard heat and utility amount.

The Claimant's net income of [REDACTED] was determined by subtracting her adjusted excess shelter from her adjusted gross income. A Food Assistance Program (FAP) recipient with a group size of one and a net income of [REDACTED] is entitled to a monthly FAP allotment of [REDACTED]. This is the amount the Department began issuing the Claimant as of [REDACTED]. Department of Human Services Reference Table Manual (BEM) 260.

The reduction of the Claimant's Food Assistance Program (FAP) benefits was the result of the Department's removal of shelter expenses from her FAP budget. On [REDACTED] the Claimant's monthly shelter expenses changed from the amount she had verified to the Department [REDACTED].

Based on the evidence and testimony available during the hearing, the Claimant failed to establish that she reported this change of monthly shelter expenses to the Department until [REDACTED]. Upon notification of a change in shelter expenses, the Department is required to request verification of the new shelter expense. On [REDACTED] the Department sent the Claimant a Verification Checklist (DHS-3503) with a due date of [REDACTED]. Based on the evidence and testimony available during the hearing, the Claimant failed to establish that she provided the Department with verification of her new shelter expense.

As a result of the Claimant's failure to provide timely notification of changes to her shelter expenses and timely verification of changes to her shelter expenses, this Administrative Law Judge finds that the Department properly removed monthly shelter expenses from its determination of eligibility for Food Assistance Program (FAP) benefits, and properly determined the Claimant's monthly FAP allotment as of [REDACTED].

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's Food Assistance Program (FAP) eligibility.

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

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

Date Signed: \_\_\_\_\_

Date Mailed: \_\_\_\_\_

**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

2013-40097/KS

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cc:

