

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201343705
Issue No.: 3015
Case No.: [REDACTED]
Hearing Date: June 26, 2013
County: Oakland County (#03)

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 April 26, 2013 request for a hearing. After due notice, a telephone hearing was conducted on Wednesday June 26, 2013 from Detroit, Michigan. The Claimant appeared and testified. Participant on behalf of Department of Human Services (Department) was [REDACTED] (Family Independence Manager).

ISSUE

Due to excess income, did the Department properly deny the Claimant's application close Claimant's case reduce Claimant's benefits for:

- | | |
|---|---|
| <input type="checkbox"/> Family Independence Program (FIP) | <input type="checkbox"/> Adult Medical Assistance (AMP)? |
| <input checked="" type="checkbox"/> Food Assistance Program (FAP) | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input type="checkbox"/> Medical Assistance (MA)? | <input type="checkbox"/> Child Development and Care (CDC)? |

FINDINGS OF FACT

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

1. On April 18, 2013, Claimant applied for benefits for:

2.

- | | |
|--|---|
| <input type="checkbox"/> Family Independence Program (FIP). | <input type="checkbox"/> Adult Medical Assistance (AMP). |
| <input checked="" type="checkbox"/> Food Assistance Program (FAP). | <input type="checkbox"/> State Disability Assistance (SDA). |
| <input type="checkbox"/> Medical Assistance (MA). | <input type="checkbox"/> Child Development and Care (CDC). |

3. On April 25, 2013, the Department denied Claimant's application
 closed Claimant's case reduced Claimant's benefits
due to excess income.
4. On April 25, 2013, the Department sent Claimant
notice of the denial. closure. reduction.
5. On April 26, 2013, Claimant filed a hearing request, protesting the
 denial of the application. closure of the case. reduction of benefits.

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 1997 AACS R 400.3001-3015.

Additionally, group composition is the determination of which persons living together are included in the FAP program group. BEM 212 (November 2012), p. 1. The relationship of the people who live together affects whether they must be included or excluded from the group. It must first be determined if all household person must be included in the group. If they are not mandatory group members, then it is determined if they purchase and prepare food together or separately. The phrase, purchase and prepare together, is meant to describe persons who customarily share food in common. BEM 212, p. 5. A caretaker who provides care or supervision to a child (ren) under 18 years old who lives with the caretaker must be included in the same group. In this case, Claimant has guardianship of three children who live with her, and thus Claimant must be included in the FAP group.

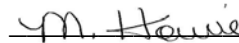
The Department determines a client's eligibility for FAP benefits based on the client's actual household income and/or prospective income. BEM 500 (January 2013), p. 3. All countable earned and unearned income available to the group must be considered in determining the client's eligibility for FAP benefits. Claimant receives \$1834/monthly RSDI income and \$656/monthly long term disability payments. The Department properly applied the \$159 standard deduction applicable to a FAP group of four, the \$575 standard heat/utility deduction and the correct housing obligation of \$675. After all allowable deductions the group's net income is \$2,242 which exceeds the net income limit of \$1,921 for a group of four. RFT 250 (November 2012) Claimant asserts that she has additional expenses due to bankruptcy proceedings that were not considered in the FAP budget. Policy does not provide for a deduction based on the stated reason.

Based on the evidence on record, the Department established it acted in accordance with policy when it denied Claimant's FAP application due to excess income.

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 did act properly did not act properly when it denied Claimant's April 18, 2013 application for FAP benefits.

Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is hereby, AFFIRMED.


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

Date Signed: 7/5/2013

Date Mailed: 7/5/2013

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.

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.

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:

