

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-51713
Issue No.: 3002
Case No.: [REDACTED]
Hearing Date: August 5, 2013
County: Wayne (82-19)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 August 5, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department properly calculate Claimant's Food Assistance Program (FAP) benefits for July 1, 2013, ongoing?

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 recipient of FAP benefits.
2. In connection with a July 2013 increase in Claimant's household's income from Retirement, Survivors and Disability Insurance (RSDI) benefits, the Department recalculated Claimant's FAP budget.
3. On May 25, 2013, the Department sent Claimant a Notice of Case Action advising her that her monthly FAP benefits would be reduced to \$16 effective July 1, 2013.
4. On June 5, 2013, Claimant filed a request for hearing, disputing the Department's calculation of her FAP benefits.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), and Department of Human Services 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.

Additionally, the May 25, 2013, Notice of Case Action sent to Claimant notified her that her monthly FAP benefits would be reduced to \$16 beginning July 1, 2013.

At the hearing, the Department testified that Claimant's decreased FAP benefits were due to an increase in the FAP group's RSDI benefits. The Department produced a FAP budget showing the calculation of Claimant's FAP allotment for July 1, 2013, ongoing. Because Claimant is a Senior/Disabled/Veteran (SDV) member of her FAP group, she is eligible for a medical deduction for verified medical expenses over \$35. BEM 554, pp. 6-9. At the time the budget was prepared, the only verified medical expense available to the Department was Claimant's Part B Medicare premium of \$104.90. This premium, less the \$35 threshold, resulted in a medical expense deduction of \$70 in the FAP budget. Although Claimant testified that she had additional medical expenses, she acknowledged that none had been provided to the Department. Claimant was advised to submit documentation of her medical expenses to the Department for the Department's consideration of Claimant's future FAP benefits. Claimant verified all of the remaining information the Department used to calculate her FAP benefits except that there was a \$1 discrepancy in the amount of unearned income she received. The budget showed that the Department applied a standard deduction of \$148, which is applicable to Claimant's FAP group size of one, and the \$575 standard heat and utility deduction available to all FAP recipients. RFT 255 (October 1, 2012), p. 1; BEM 554 (October 1, 2012), p. 1.

A review of the FAP budget, using the correct unearned income and the remaining verified information, shows that the Department acted in accordance with Department policy when it concluded that Claimant was eligible for monthly FAP benefits of \$16 effective July 1, 2013. BEM 556 (October 1, 2011); RFT 260 (December 1, 2012), p. 9.

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 Department policy when it calculated Claimant's monthly FAP benefits.

Accordingly, the Department's decision is AFFIRMED.



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 12, 2013

Date Mailed: August 15, 2013

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

ACE/pf

cc:

