

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

**IN THE MATTER OF:**

██████████  
████████████████████  
██

Reg No.: 2013-56266  
Issue No.: 3015  
Case No.: ██████████  
Hearing Date: August 1, 2013  
Macomb County DHS (20)

**ADMINISTRATIVE LAW JUDGE:** Colleen M. Mamelka

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on Thursday, August 1, 2013. Claimant appeared and testified. Participating on behalf of the Department of Human Services ("Department") was ██████████.

**ISSUE**

Did the Department properly process Claimant's June 24, 2013 application for Medical Assistance ("MA") and Food Assistance Program ("FAP") benefits?

**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 submitted an application for MA and FAP benefits on June 24, 2013.
2. At the time of application, Claimant's group size was 4.
3. At the time of application, Claimant's group's gross earnings exceeded \$2,498.00. (Exhibits 1, 3)
4. Claimant's group did not have any senior, disabled, or veteran ("S/D/V") members.

5. On June 26, 2013, the Department denied Claimant's FAP application due to excess income. (Exhibit 3)
6. On July 3, 2013, the Department received Claimant's written request for hearing protesting the denial of FAP benefits only. (Exhibit 4)

### **CONCLUSIONS OF LAW**

Department policies are contained in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Reference Tables ("RFT").

The Food Assistance Program ("FAP"), formerly known as the Food Stamp 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, Rules 400.3001 through R 400.3015.

All countable earned and unearned income available to the client must be considered in determining the Claimant's eligibility for program benefits. BEM 500 (January 2013), pp. 1, 2. All income is converted to a monthly amount. BEM 505 (October 2010), p. 1. 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. The monthly gross income limit for a group size of four with no S/D/Vs is \$2,498.00. RFT 250 (October 2012), p. 1.

In this case, an application for FAP and MA benefits was received by the Department on June 24, 2013. At the time of application, Claimant's group size was four and three of the four members had earnings from employment. In determining FAP eligibility, the Department properly considered each income source. Claimant agreed that at the time of application, the group's gross earnings exceeded \$2,498.00. Accordingly, the Department established it acted in accordance with Department policy when it denied Claimant FAP benefits due to excess income. The Department's determination is AFFIRMED.

### **DECISION AND ORDER**

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds the Department established it acted in accordance with Department policy when it denied Claimant's FAP application due to excess income.

Accordingly, it is ORDERED:

The Department's FAP determination is AFFIRMED.

*Colleen M. Mamelka*

Colleen M. Mamelka  
Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

Date Signed: August 6, 2013

Date Mailed: August 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

CMM/tm

cc: [REDACTED]  
[REDACTED]  
[REDACTED]  
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