

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-57361
Issue No.: 3002
Case No.: [REDACTED]
Hearing Date: August 12, 2013
County: Oakland (63-02)

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 12, 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 effective August 1, 2013?

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 is an ongoing recipient of FAP benefits.
2. On June 25, 2013, the Department sent Claimant a Notice of Case Action, notifying her that effective August 1, 2013, her FAP benefits would decrease to \$16, after shelter expenses were removed from the calculation of her FAP budget.
3. On July 5, 2013, Claimant submitted an online shelter verification to the Department.
4. On July 3, 2013, Claimant filed a request for hearing disputing the Department's actions.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), the Department of Human Services Bridges Eligibility Manual (BEM), and the 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 Department testified that, when Claimant failed to verify reported changes in her shelter expenses, it recalculated her FAP budget, removing the shelter expenses. On June 25, 2013, it sent Claimant a Notice of Case Action notifying her that, effective August 1, 2013, her FAP monthly benefits would decrease to \$16. On July 5, 2013, after Claimant filed a request for hearing on July 3, 2013, disputing the reduction in her FAP benefits, Claimant submitted her shelter verification to the Department. The Department recalculated Claimant's FAP budget to include Claimant's shelter expenses and testified that it sent her a July 8, 2013, Notice of Case Action notifying her that, effective August 1, 2013, her monthly FAP benefits would increase to \$113. Thus, Claimant's shelter expenses were considered in the calculation of her ongoing FAP benefits.

At the hearing, Claimant's FAP budget for August 1, 2013, ongoing was reviewed with Claimant. Claimant verified that she was the sole member of her FAP group and received monthly Retirement, Survivors and Disability Insurance (RSDI) benefits of \$1,176. Although there was some confusion on the record concerning Claimant's eligibility for a medical expense deduction, a review of Department policy shows that Claimant, who testified that she is 62 years old, is a Senior/Disabled/Veteran (SDV) member of her FAP group because she is over age 60. As such, she is eligible for a deduction for verified medical expenses she incurred in excess of \$35. BEM 554 (October 1, 2012), p. 1. The budget showed that Claimant had a medical deduction of \$55 for August 2013, which Claimant did not dispute. The budget also showed that the Department applied a standard deduction of \$148, which is the standard deduction 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.

The budget was reviewed with Claimant on the record. Based on the foregoing figures and information and the Department's inclusion of Claimant's monthly \$597 shelter expenses into her FAP budget, the Department acted in accordance with Department policy when it concluded that Claimant's net monthly income was \$287, and that, based

on a net monthly income of \$287, she was eligible for monthly FAP benefits of \$113. BEM 556 (July 2011), pp. 1-6; RFT 260 (December 2012), p. 3.

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 FAP benefits for August 2013 ongoing.

Accordingly, for the reasons stated on the record and above, the Department's decision is AFFIRMED.



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

Date Signed: August 16, 2013

Date Mailed: August 19, 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:

2013-57361/ACE

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:

