

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-57690
Issue No.: 3002
Case No.: [REDACTED]
Hearing Date: August 12, 2013
County: Oakland (63-03)

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 monthly 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 was an ongoing recipient of FAP benefits.
2. On June 28, 2013, the Department sent Claimant a Notice of Case Action notifying her that her FAP benefits would decrease to \$29 monthly effective August 1, 2013. The budget did not include any housing expenses.
3. The Department received Claimant's rent verification and recalculated Claimant's FAP budget.

4. On July 11, 2013, the Department sent Claimant a Notice of Case Action notifying her that her FAP benefits would increase to \$111 monthly effective August 1, 2013. The budget included Claimant's housing expenses.
5. July 10, 2013, Claimant filed a hearing request regarding the calculation of her FAP benefits.

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.

Claimant requested a hearing disputing the Department's calculation of her monthly FAP allotment. Claimant was initially notified that her FAP benefits were decreasing to \$29 monthly effective August 1, 2013, because unemployment benefits she was receiving were being considered in her FAP budget. The FAP budget did not include any housing expenses because no verification was on file. The Department subsequently received verification of Claimant's rent, recalculated her FAP budget, and notified her that her FAP benefits were increasing to \$111 monthly effective August 1, 2013. Thus, Claimant never received FAP benefits where her shelter expenses were not taken into consideration in the calculation of her FAP budget.

At the hearing, the FAP budget showing the calculation of Claimant's monthly \$111 FAP benefit was reviewed with Claimant on the record. Claimant acknowledged that she received biweekly gross unemployment benefits of \$424. Multiplying Claimant's biweekly payments by 2.15, as required by Department policy, results in gross monthly unearned income of \$911. See BEM 505 (October 2010), pp. 6-7. Claimant's FAP budget included a \$148 standard deduction available to Claimant's FAP group size of one. RFT 255 (October 1, 2012), p. 1.

At the hearing, Claimant verified that she did not pay child support or dependent care expenses. Therefore, she was not eligible for a deduction for such expenses. Furthermore, because she was not a Senior/Disabled/Veteran (SDV) member of her FAP group, she was not eligible for a deduction for verified medical expenses incurred in excess of \$35. BEM 554 (October 1, 2012), p. 1.

The FAP budget also shows that Claimant received an excess shelter deduction (which takes into consideration the standard heat and utility deduction of \$575 available to all FAP recipients and Claimant's monthly housing expenses) of \$469, which is the maximum excess shelter deduction available to a group without an SDV member. RFT 255 (October 1, 2012), p. 1; BEM 554 (October 1, 2012), p. 1.

Based on the foregoing figures and a FAP group size of one, the Department acted in accordance with Department policy when it calculated Claimant's net income of \$294 and monthly FAP benefits of \$111. BEM 556 (July 1, 2011); RFT 260 (December 1, 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 budget.

Accordingly, 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:

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:

