

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 20141793
Issue No.: 3002
Case No.: ██████████
Hearing Date: October 31, 2013
County: Wayne (57)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on October 31, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ ██████████, Eligibility Specialist.

ISSUE

Did the Department properly reduce Claimant's 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 September 14, 2013, the Department sent Claimant a Notice of Case Action notifying him that effective October 1, 2013, his monthly FAP benefits were decreasing to \$168.
3. On September 25, 2013, Claimant filed a request for hearing disputing the Department's action.

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), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 271.1 to 285.5. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10 and Mich Admin Code, R 400.3001 to .3015.

Additionally, at the hearing, the Department testified that the only change in Claimant's FAP budget was the decrease in the standard heat and utility standard from [REDACTED] effective October 1, 2013, as a result in change in Department policy. RFT 255 (October 2013), p. 1. An annual FAP standard update is a mass update that affects all FAP cases. BAM 220 (July 2013), p. 5. A client's request for a hearing regarding the issue of a mass update required by state or federal law is not granted unless the reason for the request is an issue of incorrect computation of program benefits or patient-pay amount. BAM 600 (July 2013), p. 5.

At the hearing, Claimant indicated a concern about the decrease in his FAP benefits, contending that the October 1, 2013 decrease was the *second* decrease in his FAP benefits. The Department explained that Claimant had applied for FAP benefits in January 2013, but because he had been unable to verify his rent, his FAP budgets through July 2013 did not include a shelter expense. When he was able to verify his rent on July 3, 2013, his rent *increased* effective August 1, 2013. The Department provided an eligibility summary supporting its position, showing that Claimant had received monthly FAP benefits of [REDACTED] until August 1, 2013 when his benefits increased to [REDACTED]. Because Claimant's FAP issue concerned his monthly FAP allotment between January 18, 2013, when his FAP case opened, and August 1, 2013, when it increased, and did not concern the current level of benefits or a change he was notified about in a notice of case action dated with 90 days of his September 25, 2013, request for hearing, Claimant's issue was not timely raised for hearing. BAM 600 (July 2013), p. 3, 4.

Claimant's FAP budget resulting in the decrease effective October 1, 2013, was reviewed at the hearing. Claimant confirmed his monthly gross unearned income of [REDACTED]. Although he indicated that his rent [REDACTED] shown on the Notice of Case Action had increased, he confirmed that he had not notified the Department of this rent increase. Claimant also confirmed that he did not have any medical expenses, child support expenses or day care expenses. He indicated that his two children lived with him but had not notified the Department of this change in his household. Based on the information available to the Department at the time it recalculated Claimant's FAP benefits, the Department properly calculated Claimant's monthly net income of [REDACTED].

and acted in accordance with Department policy when it concluded, based on this net income and a FAP group size of one, that Claimant was eligible for █████ in monthly FAP benefits. FAP 556 (July 2011), pp. 2-5; RFT 260 (October 2013), p. 260.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.



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

Date Signed: November 7, 2013

Date Mailed: November 7, 2013

NOTICE OF APPEAL: 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.

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).

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

20141793/ACE

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/tm

cc:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]