

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2014-6151  
Issue No(s): 3003  
Case No.: [REDACTED]  
Hearing Date: November 19, 2013  
County: Kent

**ADMINISTRATIVE LAW JUDGE:** Colleen Lack

**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 November 19, 2013, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED], the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED] Family Independence Manager, and [REDACTED] Case Manager. The hearing record was left open for the Department to submit the Claimant's exhibits, copies of additional Case Action Notices dated September 18, 2013, October 2, 2013, and October 4, 2013. The additional documentation was received on November 19, 2013.

**ISSUE**

Did the Department properly calculate the Claimant's Food Assistance Program (FAP) monthly allotment?

**FINDINGS OF FACT**

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On August 6, 2013, the Claimant's Family Independence Program (FIP) case closed due to non-compliance with Partnership Accountability Training Hope (PATH).
2. The Claimant's FAP budget was recalculated to include the last FIP benefit amount while the FIP sanction is served.
3. On August 6, 2013, the Department issued a Notice of Case Action to the Claimant, in part, stating that the FAP monthly allotment would decrease to \$ [REDACTED] effective September 1, 2013, based on the change in income. (Exhibit A, pages 10-13)

4. On September 18, 2013, the Department issued a Notice of Case Action to the Claimant stating, in part, the FAP case was reinstated due to a hearing request and the Claimant providing verification of earned income. The notice stated an increased FAP monthly allotment of \$ [REDACTED] would start October 1, 2013. (Exhibit 1, pages 1-6)
5. On October 2, 2013, the Department issued a Notice of Case Action to the Claimant stating the FAP monthly allotment would decrease to \$ [REDACTED] effective November 1, 2013, based on a change in unearned income. (Exhibit 1, pages 7-12)
6. On October 4, 2013, the Department issued a Notice of Case Action to the Claimant stating the FAP monthly allotment would decrease to \$ [REDACTED] effective November 1, 2013, with no specific reason noted. (Exhibit 1, pages 13-18)
7. On October 8, 2013, the Claimant filed a request for hearing protesting the Department's actions regarding the amount of his FAP benefits. (Exhibit 1, pages 2-3)

### **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, in calculating the FAP budget, the entire amount of earned and unearned countable income is budgeted. Every case is allowed the standard deduction shown in RFT 255. BEM 550 A shelter expense is allowed when the FAP group has a shelter expense or contributes to the shelter expense. BEM 554 For FAP, the gross amount of current SSA-issued SSI is counted as unearned income. BEM 503 Bridges applies policies as associated with a FIP related noncompliance and budgets the *Last FIP* grant amount into the FAP budget. The FIP grant is removed from the FAP budget at the end of the FIP penalty period. BEM 233B.

The Eligibility Specialist testified that on August 6, 2013, the Claimant's FIP case closed due to non-compliance with PATH. The Eligibility Specialist explained that the Claimant's FAP budget was re-calculated to include the last FIP benefit amount while the FIP sanction is served in accordance with the BEM 233B policy. On August 6, 2013, the Department issued a Notice of Case Action to the Claimant, in part, stating

the FAP monthly allotment would decrease to \$ [REDACTED] effective September 1, 2013, based on the change in income. (Exhibit A, pages 10-13)

It appears there was a prior hearing request contesting an issue that was resolved by the September 18, 2013, Notice of Case Action. In part, the notice stated the FAP case was reinstated due to a hearing request and that the Claimant providing verification of earned income. The notice stated an increased FAP monthly allotment of \$ [REDACTED] would start October 1, 2013. It does not appear that the last FIP amount was included in this budget. (Exhibit 1, pages 1-6)

Regarding the Claimant's current FAP monthly allotment, the Department issued the October 2, 2013, Notice of Case Action to the Claimant stating the FAP monthly allotment would decrease to \$ [REDACTED] effective November 1, 2013 based on a change in unearned income. (Exhibit 1, pages 7-12) The Eligibility Specialist explained that the income utilized was the total of the \$ [REDACTED] SSI benefit, the \$ [REDACTED] State Supplement Payment, and the last FIP amount of \$ [REDACTED]. Including the last FIP amount in the unearned income in this budget due to the FIP sanction was appropriate under the BEM 233B policy. However, before this FAP monthly allotment went into effect, the Department issued the October 4, 2013, Notice of Case Action stating the FAP monthly allotment would decrease to \$ [REDACTED] effective November 1, 2013, with no specific reason noted. (Exhibit 1, pages 13-18) In comparing the budget summaries from the October 2, 2013 and October 4, 2013 Notices of Case Action, the same income, housing cost and deduction figures were utilized. As noted in the Hearing Summary, the 2009 American Recovery and Reinvestment Act expired effective November 1, 2013. Therefore, the increase in FAP benefits due to this stimulus ended. The end of this stimulus accounts for the decrease in the Claimant's FAP benefit shown in the October 4, 2013 Notice of Case Action. The end of this stimulus is not an appealable issue.

The Eligibility Specialist confirmed for the Claimant when the FIP sanction period would end and the FAP benefit would be back to normal.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it calculated the Claimant's FAP monthly allotment.

### **DECISION AND ORDER**

Accordingly, the Department's decision is **AFFIRMED**.



**Colleen Lack**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: November 26, 2013

Date Mailed: November 26, 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

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

CL/las

cc:



