

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2014-6486  
Issue No(s): 3003, 3013  
Case No.: [REDACTED]  
Hearing Date: November 21, 2013  
County: Allegan

**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 21, 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] Eligibility Specialist, and [REDACTED], Assistance Payments Supervisor.

**ISSUES**

1. Did the Department properly calculate the Claimant's Food Assistance Program (FAP) monthly allotment?
2. Did the Department properly determine the application to add the Claimant's son to the existing FAP case did not qualify for expedited processing?

**FINDINGS OF FACT**

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

1. The Claimant had an ongoing FAP case for a group size of one.
2. On September 24, 2013, the Department issued a Notice of Case Action to the Claimant stating the FAP monthly allotment would decrease to \$ [REDACTED] effective October 1, 2013. (Exhibit A, pages 4-5)
3. On September 25, 2013, the Claimant filed an assistance application to add his adult son to the FAP case. (Exhibit A, pages 6-26)
4. On October 13, 2013, the Claimant left a voicemail requesting expedited processing of the FAP application to add his son.

5. On October 14, 2013, the Eligibility Specialist returned the Claimant's call and explained that because he is already approved for FAP, he does not qualify for expedited processing.
6. On October 14, 2013, a Verification Checklist was issued to the Claimant stating what proofs were needed by the October 24, 2013 due date. (Exhibit A, pages 32-34)
7. On October 22, 2013, the Claimant filed a request for hearing protesting the Department's actions.

### **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.

The Appellant asserted his monthly FAP allotment has decreased each time he provides requested verifications since a particular worker was assigned to his case. The Claimant requested a review of his FAP case for at least the past year. However, there is no jurisdiction to review the Department's determinations on the Claimant's FAP case for a period of at least one year. BAM 600 directs that a Claimant may request a hearing within 90 days of the written notice to contest a Department action. Additionally, for FAP only, the client or authorized hearing representative may request a hearing disputing the current level of benefits at any time within the benefit period. BAM 600. The Claimant's October 22, 2013, request for hearing was only timely filed to contest the current level of FAP benefits and any actions taken within the 90 days prior to the hearing request. In this case, the Department issued a Notice of Case Action on September 14, 2013, indicating a decrease in the Claimant's FAP benefit effective October 1, 2013. Accordingly, there is jurisdiction to review the Department's calculation of the Claimant's FAP benefit starting October 1, 2013.

BEM 550, 554, and 556 address the FAP budget. 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. The gross amount of retirement income, such as pensions, is counted as unearned income. Similarly, the gross amount of the SSA-issued RSDI benefit is counted as unearned income. BEM 503. A shelter expense is allowed when the FAP group has a shelter expense or contributes to the shelter expense. Certain verified medical expenses are also allowable. BEM 554.

At the time the September 14, 2013 Notice of Case Action was issued, the Claimant had a FAP group size of one. The Eligibility Specialist explained that the Department utilized the gross amounts of the Social Security and pension income for the budgeted unearned income. The Department applied the standard deduction and heat/utility standard that went into effect October 1, 2013. The Department utilized the Claimant's rent for the budgeted housing cost. The Eligibility Specialist also stated the budgeted medical expenses included premiums for Medicaid, additional health insurance, as well as dental and vision insurance. The Department received a Blue Cross explanation of benefits showing a year to date listing of prescriptions. However, the Department had not received actual receipts of paid co-pays for any prescriptions to include these medical expenses in the budget.

The Claimant testified his rent is actually \$ [REDACTED] not the \$ [REDACTED] included in the budget. However, the Claimant confirmed that his rent did not increase until November 2013 and the October 2013 rent was \$ [REDACTED]. Accordingly, the Department correctly utilized the current rent obligation when budgeting the housing costs for October 2013. The Claimant stated he also makes payments of \$ [REDACTED] per month on an outstanding medical bill. The Claimant asserted he gave the Eligibility Specialist documentation of this medical expense with other papers during an August 27, 2013 meeting. The Eligibility Specialist confirmed the meeting occurred, but credibly testified the documentation of the monthly payments toward the past medical bill was not included with the papers she received from the Claimant that date.

The evidence establishes that the Department properly calculated the Claimant's FAP budget for October 2013 based on the information available at the time the September 19, 2013, Notice of Case Action was issued. The Department utilized the current group size of one, the gross unearned income from Social Security and a pension, the current standard deduction and heat/utility standard, the Claimant's current rent obligation, and the allowable verified medical expenses. The Department only had verification the Claimant filled prescriptions, but did not have verification of any co-pays the claimant incurred to include these medical expenses in the budget. Additionally, the Eligibility Specialist credibly testified the Department had not received the documentation of the Claimant's monthly payments toward a past medical bill to include this medical expense in the budget.

The Claimant also protested the Department's determination that the application to add his son to the FAP case did not qualify for expedited processing.

All individuals in a household must be identified and included in the household. The Department is to complete an *Add Member* case action on Bridges for all individuals who move into a household to add them to the existing household and eligibility determination groups. BAM 110. The Department is to process applications and requests for member adds as quickly as possible, with priority to the earliest application date. For FAP applications, the expedited standard of promptness is six calendar days after the application date and the regular FAP standard of promptness is 29 calendar days after the application date. BAM 115

Eligibility factors are the same for expedited as regular FAP benefits. Applicant groups are entitled to expedited service if one of the following applies: they have less than \$150 in monthly gross income and \$100 or less in liquid assets; they are destitute migrant or seasonal farmworkers and have \$100 or less in liquid assets (refer to BEM 610); or the group's combined gross income and liquid assets are less than its monthly rent and/or mortgage payments plus the Heat and Utility Standard, or Non-Heat Electric, Water and/or Sewer, Telephone, Cooking Fuel or Trash Removal standards. BAM 117

The Department asserted that the Claimant's application to add his son to the FAP case did not qualify for expedited processing because the Claimant already had an active FAP case. Further, the evidence does not support a finding that the Claimant's FAP group met one of the three criteria for expedited FAP processing as set forth in BAM 117. There was no evidence the Claimant's FAP group: had less than \$150 in monthly gross income; they are destitute migrant or seasonal farmworkers and have \$100 or less in liquid assets; or the group's combined gross income and liquid assets are less than its monthly rent and/or mortgage payments plus the Heat and Utility Standard, or Non-Heat Electric, Water and/or Sewer, Telephone, Cooking Fuel or Trash Removal standards. Accordingly, the Department properly determined the application to add the Claimant's son to the FAP group would be processed under the regular standard of promptness.

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 and determined the Claimant's application to add his son to the FAP case did not qualify for expedited processing.

### **DECISION AND ORDER**

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

*Colleen Lack*

**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:

