

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2014-6935  
Issue No(s): 3015  
Case No.: [REDACTED]  
Hearing Date: November 14, 2013  
County: DHS-SSPC-West

**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 three way telephone hearing was held on November 14, 2013, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] [REDACTED] [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED] [REDACTED] Eligibility Specialist.

**ISSUE**

Did the Department properly deny the Claimant's Food Assistance Program (FAP) application?

**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 October 4, 2013, the Claimant applied for FAP.
2. On October 11, 2013, an interview was completed during which the group composition of four and hourly wages of persons in the household were verified.
3. On October 11, 2013, the Department issued a Notice of Case Action to the Claimant stating the FAP application was denied because gross income exceeded the monthly income limit. (Exhibit A, pages 11-12)
4. On October 23, 2013, the Claimant filed a request for hearing protesting the Department's action. (Exhibit A, pages 3-4)

### **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, a non-categorically eligible non-Senior/Disabled/Veteran (non-SDV) FAP group must have income below the gross and net income limits. BEM 550. The FAP gross income limit for a group size of four is \$2,552. RFT 250. Stable and fluctuating income that is received more often than monthly is converted to a standard monthly amount. Weekly income is multiplied by 4.3 and amounts received every two weeks is multiplied by 2.15. BEM 505.

The Eligibility Specialist testified that during the October 11, 2013, interview, the Claimant's group composition and hourly wages of persons in the household were verified. The Eligibility Specialist understood that one group member earns \$ [REDACTED] per hour and works full time. The Eligibility Specialist understood that a second group member earns \$ [REDACTED] per hour and works 40 hours per week. After converting the wages to standard monthly amounts, the Department determined the gross income of \$ [REDACTED] exceeded the monthly gross income limit of \$ [REDACTED] for a group size of four. (Exhibit A, pages 6-12)

The Claimant does not feel right that the gross income is utilized. The Claimant testified they do not actually bring in that much at all. The Claimant's daughter is a full time student who works and pays for her own schooling, vehicle, insurance, phone etc. They do not ask their daughter to give them any money because she cannot afford it, which is why she lives at home. The Claimant also testified his wife is a 10 month employee, but the pay is spread over 12 months. Accordingly, her income is less than what the Department utilized. However, the Claimant acknowledged that he had not thought about his wife being a 10 month employee when he provided income information to the Department. The Claimant further acknowledged that even if an adjustment were made for this, such as 38 hours per week for calculating his wife's monthly income, it would not make that much of a difference for the gross income limit. The Claimant outlined bills and income on his request for hearing. (Exhibit 1, page 4)

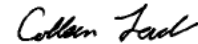
Under BEM 550, a non-categorically eligible non-SDV FAP group must have income below the gross and net income limit. The FAP group member's wages were converted to standard monthly amounts in accordance with BEM 505. Based on the information reported to the Department, the Department properly determined that the FAP group's

gross income of \$ [REDACTED] exceeded the monthly gross income limit of \$ [REDACTED] for a group size of four. Further, even if the Department had been aware that the Claimant's wife only works 10 months, the reduction in the gross income would still be above the monthly gross income limit. Utilizing a 38 hour work week, to adjust for only working 10 months per year, at \$ [REDACTED] per hour still results in gross monthly income of \$ [REDACTED] just for the Claimant's wife.

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 denied the Claimant's FAP application.

### **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 22, 2013

Date Mailed: November 22, 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:

