

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

**IN THE MATTER OF:**

██████████  
██████████████████  
██████████████████

Reg. No.: 2014 7254  
Issue No.: 3003  
Case No.: ██████████  
Hearing Date: November 20, 2013  
County: Wayne (43)

**ADMINISTRATIVE LAW JUDGE:** Lynn M. Ferris

**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 20, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ Path Worker.

**ISSUE**

Did the Department properly compute the Claimant's unearned income from SSI when calculating her Food Assistance 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. The Department calculated the Claimant's food assistance benefits and included SSI income of \$710 based on the information contained in its system covering a cost of living increase by the SSA.
2. At the hearing both Claimant and the Department testified that, in fact, the Claimant received \$639 in SSI and a \$14 quarterly supplement from Social Security for October 2013.
3. The Department computed the food assistance budget and found that the Claimant was entitled to food assistance benefits in the amount of \$473 for the month of October, 2013 which amount it conceded was incorrect.

4. The Claimant requested a hearing on October 16, 2013 protesting the Department's calculation of her food assistance benefits and the under earned income amount it used for SSI.

### **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 this case the Department representative conceded that it listened to the official Social Security recording advising the Claimant that her benefits for SSI in the month of October 2013 was \$639 in SSI and \$14 for the quarterly supplement; the SSI totaled \$653 not \$710 as calculated by the Department. Apparently, as conceded by the Department the Department's system had incorrectly added the cost of living which had not as yet been applied by the Social Security Administration to the Claimant's SSI benefits. Therefore, based on the evidence presented it is determined that the Department incorrectly included \$710 as unearned income, and should have calculated Claimant's FAP benefits on the basis of \$653. Therefore, it is determined that the Department improperly calculated Claimant's FAP benefits and the benefits must be recalculated.

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

did not act in accordance with Department policy when it used the incorrect amount for SSI unearned income received by the Claimant for SSI when calculating Claimant's food assistance.

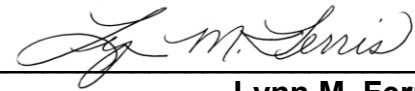
### **DECISION AND ORDER**

Accordingly, the Department's decision is

REVERSED.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. The Department shall recalculate the Claimant's food assistance benefits for October 2013 and shall use for the SSI unearned income the amount of \$639 plus a \$14 quarterly supplement for a total of \$653.
2. The Department shall issue a food assistance supplement to the Claimant for any food assistance benefits she was otherwise entitled to receive in accordance with Department policy



**Lynn M. Ferris**  
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

2014-7254/LMF

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

LMF/cl

cc: [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]