

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 20144272
Issue No(s): 3003
Case No.: [REDACTED]
Hearing Date: November 14, 2013
County: Ingham

ADMINISTRATIVE LAW JUDGE: Darryl T. Johnson

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 14, 2013, from Lansing, Michigan. Participants on behalf of Claimant included Claimant, [REDACTED], and her daughter-in-law, [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Assistance Payments Supervisor, and [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly determine Claimant's eligibility for 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. On August 28, 2013, Claimant reported a change in her Social Security benefits.
2. In mid-September 2013, Claimant changed her residence from a home for which she was paying monthly rent of [REDACTED], to a home which she was purchasing on a land contract at [REDACTED] per month.
3. Beginning November 1, 2013, the class of FAP recipients experienced an adjustment in benefits due to a loss of funding that had been provided through the American Recovery and Reinvestment Act of 2009.

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.

Claimant moved her residence and her monthly housing expense was reduced from rent of [REDACTED] per month to a land contract payment of [REDACTED] per month. She receives dual Social Security benefits: as of November 1, 2013 she receives [REDACTED] monthly because of her disability, and [REDACTED] because her ex-husband is deceased. Previously, she was receiving [REDACTED] and [REDACTED] respectively. That represents a monthly increase in her income of [REDACTED].

Because of a loss of benefits that had been funded through the American Recovery and Reinvestment Act, the entire class of FAP recipients experienced a reduction in benefits effective November 1, 2013. The resultant effect on Claimant's FAP was a reduction of [REDACTED]. See Page 12 of Exhibit 1.

Under BEM 554, housing expenses such as land contract payments are considered shelter expenses, and are considered when determining monthly FAP benefits. There is no evidence that the Department erred in its calculation of Claimant's FAP benefits after taking into account her increase in monthly income and her decrease in shelter expense.

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 reduced Claimant's monthly FAP benefit amount.

This Administrative Law Judge notes that Claimant's hearing request indicated she was requesting a hearing on a denial of Medicaid benefits. The testimony established that Claimant's Medicaid benefits were terminated in 2012. There is no evidence that Claimant timely appealed the denial of Medicaid and this Administrative Law Judge lacks jurisdiction to consider Claimant's Medicaid hearing request.

DECISION AND ORDER

Accordingly, the Department's decision regarding Claimant's FAP benefits is **AFFIRMED**. Claimant's request for a hearing with regard to MA is **DISMISSED**.



Darryl T. Johnson
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: November 19, 2013

Date Mailed: November 19, 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

20144272/DTJ

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

DTJ/aca

cc:

