

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

IN THE MATTER OF:



Reg. No.: 20148801
Issue No(s): 3015
Case No.: [REDACTED]
Hearing Date: November 26, 2013
County: Macomb (36)

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 26, 2013, from Lansing, Michigan. Participants on behalf of Claimant included Claimant's daughter and Designated Hearing Representative, [REDACTED]. Claimant [REDACTED] did not participate due to illness. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly reduce Claimant's 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. Claimant and her spouse were ongoing recipients of FAP benefits.
2. On [REDACTED], Claimant's spouse died, reducing Claimant's group size from 2 to 1.
3. Effective October 1, 2013, Claimant's FAP benefit was [REDACTED] per month, based upon a group size of 2 and a combined income of [REDACTED] for Claimant and her spouse.

4. Effective November 1, 2013, Claimant's FAP benefit was reduced in part because of the elimination of [REDACTED] in benefits that had been previously funded through the American Recovery and Restoration Act (ARRA).
5. Effective November 1, 2013, Claimant's FAP benefit was reduced in part because Claimant's group size was reduced from two to one.

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), and Department of Human Services Reference Tables Manual (RFT).

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.

Prior to the death of her spouse, Claimant and he comprised a group of two for purposes of determining FAP benefits. After his death, Claimant was a group of one. BEM 212. For the month of October 2013, Claimant's group income was [REDACTED]. (See Exhibit 2, page 1). Her spouse was still considered part of the group for that month. Her FAP benefit for that month was [REDACTED]. Included in the October 2013 FAP benefit was [REDACTED] provided through the ARRA. ARRA funding ceased effective November 1, 2013, and Claimant's FAP was reduced along with everyone else in the class of FAP recipients.

Since Claimant's group size decreased to one, Claimant's FAP benefit also decreased effective November 1, 2013. The effect of the loss of ARRA funding, and the decrease in her group size, was to reduce her benefits to [REDACTED] per month. There is no evidence that the Department erred in its determination of the amount of benefits to be awarded to a group of one with net income of [REDACTED].

Regulations governing the hearing and appeal process for recipients of Food Assistance Program (FAP) benefits in Michigan who, as a group, are affected by a federal or state initiated change in the law affecting all recipients are found in 7 CFR 273.12(e) and Mich Admin Code, R 400.901 through R 400.951. Rule 400.903(3), in pertinent part, states:

A hearing shall not be granted when either state or federal law requires automatic grant adjustments for classes of recipients, unless the reason for an individual appeal is incorrect grant computation.


See also Bridges Administrative Manual (BAM) which articulates policies regarding the hearing process. The Michigan Administrative Hearing System will not grant a hearing regarding the issue of a mass update required by state or federal law unless the reason

for the request is an issue of incorrect calculation of program benefits or patient-pay amount. BAM 600. In the instant case, the evidence and testimony provided confirm that Claimant is disputing a change in her Food Assistance Program (FAP) allotment that resulted in part from a mass change in law and policy as defined above, relating to a federal adjustment to eligibility standards, allotments and deductions, and/or State adjustments to utility standards. 7 CFR 273.12(e)(1).

The Administrative Law Judge, based upon 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 Food Assistance Program benefits.

DECISION AND ORDER

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


DARRYL T. JOHNSON
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: November 26, 2013

Date Mailed: November 27, 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.

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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

DTJ/aca

cc:

