

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-13729
Issue No(s): 3008
Case No.: [REDACTED]
Hearing Date: December 19, 2013
County: Kent

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 December 19, 2013, from Lansing, Michigan. Participants on behalf of Claimant included the Claimant, [REDACTED]. Her spouse, [REDACTED] was present but did not testify. Participants on behalf of the Department of Human Services (Department) included [REDACTED] Family Independence Manager, and [REDACTED] Case Manager.

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 family were on-going FAP recipients.
2. When members of her family began receiving Social Security Disability (RSDI) income, and her spouse no longer had earned income, the Department recalculated the FAP budget, resulting in a reduction in FAP effective October 8, 2013.
3. On November 13, 2013, the Claimant requested a hearing.

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 Claimant's FAP benefits were calculated by the Department based upon her income and certain expenses. Pursuant to BEM 500, unearned income from RSDI is included. For the month of September 2013, the group had reported earned income of \$ [REDACTED] and countable unearned income of \$ [REDACTED]. FAP benefits of \$ [REDACTED] were awarded that month. See Exhibit 1 Page 13. For the benefit period beginning October 8, 2013, no earned income was included, but unearned income of \$ [REDACTED] was counted. See Exhibit a Page 10. The Heat and Utility Standard expense was reduced from \$ [REDACTED] in September to \$ [REDACTED] in October.

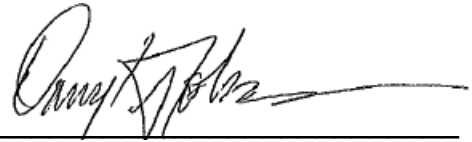
Claimant's FAP benefits were decreased from \$ [REDACTED] monthly to \$ [REDACTED] monthly on October 8, 2013, then to \$ [REDACTED] monthly beginning November 1, 2013. The first decrease was in part because of the increased income, and in part because of a reduction in the heat/utility standard that affected the entire class of FAP recipients. The other factor that affected Claimant's FAP benefits was the elimination of funding through the American Recovery and Reinvestment Act (ARRA) which also affected the entire class of FAP recipients.

The only other change that was considered was the child support paid by Claimant's spouse. That amount was budgeted at \$ [REDACTED] in September, and \$ [REDACTED] beginning October 1, 2013. The evidence supports the reduction in budgeted support expenses. See Exhibit 1 Pages 34-36. There is no evidence that the Department erred in its calculation of Claimant's FAP benefits after taking into account the group's monthly income, the documented child support expenses, and the policy changes. In the instant case, the evidence and testimony provided confirm that Claimant is disputing a change in her FAP allotment that resulted in part from mass changes 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). Rule 903(3) of the Administrative Procedures Act of 1969 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."

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 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: December 23, 2013

Date Mailed: December 23, 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/las

cc:

