

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201334916
Issue No.: 3002
Case No.: [REDACTED]
Hearing Date: April 11, 2013
County: Wayne (19)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on April 11, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly calculate Claimant's monthly 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 February 19, 2013, Claimant applied online for FAP benefits for herself and her minor child.
2. The Department approved Claimant's application for \$16 in monthly FAP benefits.
3. On March 11, 2013, Claimant filed a hearing request regarding the calculation of her FAP benefits.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), the Department of Human Services Bridges Eligibility

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

The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) program] is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3001 through R 400.3015.

Claimant requested a hearing disputing the Department's calculation of her \$16 monthly FAP allotment. At the hearing, the Department provided a FAP budget showing the calculation of Claimant's FAP benefits. Claimant acknowledged that she received monthly gross earned income of \$1794 and monthly child support income of \$355, as reflected on the budget. Claimant's FAP budget included a \$148 standard deduction available to Claimant's FAP group size of two. RFT 255 (October 1, 2012), p 1. Claimant was also entitled to an earned income deduction equal to 20% of her earned income (or \$359 in this case), as indicated on the budget. BEM 550 (February 1, 2012), p 1.

At the hearing, Claimant testified that she had medical expenses and was concerned that the Department did not provide her with a medical expense deduction. FAP groups containing a Senior/Disabled/Veteran (SDV) member are eligible for a deduction for verified medical expenses incurred in excess of \$35. BEM 554 (October 1, 2012), p 1. In this case, Claimant did not indicate in her February 19, 2013 application that either she or her daughter (the two members of her FAP group) was disabled. Accordingly, Claimant was not eligible for a medical expense deduction, and the Department properly did not provide one.

The FAP budget also shows that Claimant received an excess shelter deduction (which takes into consideration Claimant's monthly rental expenses and the standard heat and utility deduction of \$575 available to all FAP recipients) of \$469, which is the maximum excess shelter deduction available to a group without a senior/disabled/veteran (SDV) member. RFT 255 (October 1, 2012), p 1; BEM 554 (October 1, 2012), p 1.

Based on the foregoing figures and a FAP group size of two, the Department acted in accordance with Department policy when it calculated Claimant's net income of \$1173 and monthly FAP benefits of \$16. BEM 556 (July 1, 2011); RFT 260 (December 1, 2012), p 16.


DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department

did act properly when it calculated Claimant's FAP budget.

did not act properly when .

Accordingly, the Department's decision is AFFIRMED REVERSED for the reasons stated on the record and above.


Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 4/12/2013

Date Mailed: 4/12/2013

NOTICE: 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)

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 was made, within 30 days of the receipt date of the rehearing decision.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

ACE/hw

cc:

