

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

IN THE MATTER OF:



Reg. No.: 201337469
Issue No.: 3003
Case No.: [REDACTED]
Hearing Date: April 25, 2013
County: Jackson

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 25, 2013. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly determine Claimant's Food Assistance Program (FAP) benefits on March 20, 2013?

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 was an ongoing recipient of Food Assistance Program (FAP) benefits.
2. On March 7, 2013, Claimant submitted a Redetermination Form (DHS-1010) and required verifications.
3. On March 20, 2013, the Department ran a financial eligibility budget to re-determine Claimant's eligibility. The budget showed that Claimant's income and expenses made him eligible for \$ [REDACTED] per month of Food Assistance Program (FAP) benefits. Claimant was sent notice of the determination.
4. On March 29, 2013, Claimant submitted a request for hearing.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the 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 1997 AACR 400.3001-3015.

In the request for hearing Claimant specifically raised questions about his housing expense and medical expenses. The [REDACTED] verification Claimant submitted was reviewed and shows that he has a standard payment of \$ [REDACTED] for principle, interest and [REDACTED]. His monthly payment also includes significant unpaid late fees. Department of Human Services Bridges Eligibility Manual (BEM) 554 (2012) page 10 specifies that "Late fees and/or penalties incurred for shelter expenses are **not** an allowable expense" in a Food Assistance Program (FAP) financial eligibility budget.

Further review of the record shows that the only reported medical expense is Claimant's \$ [REDACTED] Part B Medicare premium payment. This was included in Claimant's Food Assistance Program (FAP) financial eligibility budget. A detailed analysis of the evidence presented, applicable Department policies, and reasoning for the decision are contained in the recorded record. During the hearing Claimant was informed of the decision and the reasoning behind the decision.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact, Conclusions of Law, and for the reasons stated on the record, finds that the Department of Human Services properly determined Claimant's Food Assistance Program (FAP) benefits on March 20, 2013.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHeld.

/s/ _____
Gary F. Heisler
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 4/26/13

Date Mailed: 4/29/13

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.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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

GFH/tb

cc:

