

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201344922
Issue No.: 3015
Case No.: [REDACTED]
Hearing Date: May 30, 2013
County: Wayne County (#76)

ADMINISTRATIVE LAW JUDGE: MICHELLE HOWIE

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 conducted on Thursday, May 30, 2013, from Detroit, Michigan. The Claimant appeared and testified. Participant on behalf of Department of Human Services (Department) was [REDACTED] (Assistant Payment Worker).

ISSUE

Whether the Department properly closed the 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. The Claimant was a recipient of FAP benefits with a group size of four.
2. On February 1, 2012, the Department sent claimant a Wage Match Notice showing that the Claimant's wife had reported earnings and requesting proof of income due by March 4, 2013. (Exhibit 6)
3. The Claimant also submitted a request for cash assistance (FIP) benefits.
4. The Claimant's monthly earnings from employment budgeted by the Department is \$2,924.23 based on weekly pay at \$14.31 per hour 40hrs a week. (Exhibit 2 & 6)

5. The Claimant's spouse monthly earnings from employment budgeted by the Department is \$709.50. (Exhibit 1 & 6 pg.3)
6. On April 12, 2013, the Department sent Notice of Case Action informing Claimant of FAP closure effective April 1, 2013 due to excess income. (Exhibit 7)
7. On April 19, 2013, the Department sent a second Notice of Case Action informing Claimant that his application for cash assistance and food assistance (effective 4/15/13) is denied due to excess income. (Exhibit 7)
8. On April 30, 2013, the Department received the Claimant's written hearing request protesting the closure of the FAP benefits.

CONCLUSIONS OF LAW

The Department of Human Services (DHS) 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 Mich Admin Code, R 400.3001 through R 400.3015.

All countable earned and unearned income available to the client must be considered in determining the Claimant's eligibility for program benefits. BEM 500 (November 2012), pp. 1, 2. All income is converted to a monthly amount. BEM 505 (October 2010), p. 1. A standard monthly amount must be determined for each income source used in the budget. BEM 505, p. 1. Weekly benefit amounts are converted to a monthly amount by multiplying the weekly amount by 4.3. BEM 505, p. 6. Bi-weekly amounts are converted by multiplying the amount by 2.15. BEM 505, p. 6.

In this case, the total amount of countable earned income budgeted for the Claimant's group is \$3,633. Claimant did not dispute the accuracy of the earned income budgeted for him or his spouse. A review of the FAP budget shows that the Department properly applied the \$159 standard deduction applicable to a FAP group size of four, the \$575 standard heat and utility deduction available to all FAP recipients and the correct housing obligation amount of \$750 for the group. The Claimant's FAP group net income is \$2,747.00 after all applicable deductions. The group's net income exceeds the FAP net income limit of \$1,921.00 for a group size of 4. RFT 250 (November 2012) Claimant testified at hearing that the group's income has not changed since initially being found eligible for FAP benefits. Therefore, he questioned the sudden change in FAP eligibility.

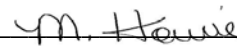
There was no evidence presented at hearing regarding the earned income previously budgeted by the Department for the prior FAP determination. Based on the current income on record, I find the Department established it acted in accordance with policy when closed the Claimant's FAP case due to excess income.

Accordingly, the Department action is upheld.

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 established it acted properly when it closed the Claimant's FAP case effective April 1, 2013 due to excess income.

Accordingly, the Department's FAP determination is hereby, **AFFIRMED**.



Michelle Howie
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 6/6/2013

Date Mailed: 6/6/2013

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.

201344922/MH

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

MH/hw

cc:

