

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201346129
Issue No.: 3002
Case No.: [REDACTED]
Hearing Date: June 5, 2013
County: Wayne County (#17)

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 June 6, 2013 from Detroit, Michigan. Participants on behalf of Claimant included the Claimant and her husband [REDACTED]. Participant on behalf of Department of Human Services (Department) was [REDACTED] (Family Independence Specialist).

ISSUE

Whether the Department properly determined the amount of the Claimants Food Assistance Program (FAP) allotment?

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 an ongoing FAP recipient with a group size of seven.
2. The Claimant's spouse works part-time (20-30 hrs a week) earning \$14.00/hr bi-weekly.
3. The Department determined the spouse receives \$1,593/monthly in earned income based on paystubs submitted by the Claimant.

4. The Claimant receives \$624/monthly in unearned Social Security Income (SSI).
5. In February 2013, the Claimant notified the Department that three group members left the home.
6. The Claimant has one group member that is an ineligible student status because the member does not work at least 20 hours.
7. The FAP group's countable housing expense is \$900.
8. On March 26, 2013, the Department sent Notice of Case Action that Claimant's FAP benefits would be reduced to \$181 based on a group size of three, due to household members leaving the group. Prior to the changes the FAP benefits were \$636.00.
9. On May 7, 2013 the Department received Claimant's written hearing request concerning the reduction in 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.

For FAP purposes, a person enrolled in a post-secondary education program may be in student status, as defined in this item. A person in student status must meet certain criteria in order to be eligible for assistance. A person is in student status if the person is age 18 through 49 and enrolled half-time or more in a post secondary school. BEM 245 (January 2013), p. 3. In order for a person in student status to be eligible, they must meet one specific criteria which includes the following: *Receiving FIP; * Enrolled

in an institution of higher education as a result of participation in certain programs; * Physically or mentally unfit for employment.; *Employed for at least 20 hours per week and paid for such employment; * A single parent enrolled full-time in an institution of higher education who cares for a dependent child under age 12; and etc... BEM 245.

In this case, one household member is considered an ineligible student because the person does not meet one of the specified eligibility criteria. As a result the household has only three eligible FAP group members. The total countable monthly earned income budgeted for Claimant's group is \$1,593.00 based on submitted paystubs. In addition, there is unearned SSI income of \$624.00. Claimant did not dispute the accuracy of the earned or unearned income amounts budgeted for the group. A review of the FAP budget shows that the Department properly applied the \$148 standard deduction applicable to a FAP group size of three, the \$575 standard heat and utility deduction available to all FAP recipients and the correct housing obligation amount of \$900 for the group. The group's net income is \$1,150, after all applicable deductions. The allowable benefit amount for a group of three is \$180.00. RFT 250 (November 2012). Therefore, the Department established it acted in accordance with policy when it reduced Claimant's FAP benefits from \$636 to \$181 based on the group size reduction and a slight increase in income. While Claimant testified at hearing regarding changes to the household group size and a decrease in income, any reported changes will be processed by the Department in accordance with policy to affect future FAP benefits.

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 acted properly when it determined the Claimant's FAP benefits as \$180 effective April 1, 2013.

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

M. Howie

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

Date Signed: 6/13/2013

Date Mailed: 6/13/2013

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

MH/hw

cc:

