

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

IN THE MATTER OF:

[REDACTED]
[REDACTED]

Reg. No.: 201347878
Issue No.: 3015
Case No.: [REDACTED]
Hearing Date: June 13, 2013
County: Wayne County (#57)

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 May 9, 2013 request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on Thursday, June 13, 2013. The Claimant appeared and testified. Participant on behalf of Department of Human Services (Department) was [REDACTED] (Family Independence Specialist).

ISSUE

Whether the Department properly closed Claimant's Food Assistant Program benefits (FAP)?

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 5.
2. On March 12, 2013, the Department sent a redetermination packet requesting verifications due by April 3, 2013.
3. The Claimant receives employment income for which she submitted three paystubs: 3/28- \$649; 4/5- \$350; 4/12-\$427.
4. The Claimant's adult daughter receives employment income for which four paystubs were submitted: 3/28-\$215.60; 4/4-\$322.04; 4/11- \$317.12; and 4/28- \$316.64.

5. The Claimant's minor child receives unearned SSI income of \$724/monthly.
6. The Department budgeted the groups as receiving \$3,303 in monthly unearned income.
7. The Claimant's housing expense was \$750/monthly plus the heat/utility standard of \$575.
8. The Department terminated Claimant's FAP benefits effective May 1, 2013 based excess income.
9. On May 9, 2013 the Department received Claimant's written hearing request disputing the closure of her 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.

Group composition is the determination of which persons living together are included in the FAP program group. BEM 212 (November 2012), p. 1. The relationship(s) of the people who live together affects whether they must be included or excluded from the group. It must first be determined if all household person must be included in the group. If they are not mandatory group members, then it is determined if they purchase and prepare food together or separately. The phrase, "purchase and prepare together", is meant to describe persons who customarily share food in common. BEM 212, p. 5. Policy provides that parents and their children under 22 years of age who live together must be in the same group regardless of whether the child(ren) have their own spouse or child who lives with the group. In this case, Claimant's adult daughter who lived in the home is under age 22 and as such is a mandatory group member.

The Department determines a client's eligibility for program benefits based on the client's actual household income and/or prospective income. BEM 500 (January 2013), p. 3. All countable earned and unearned income available to the client must be

considered in determining the client's eligibility for program benefits. 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.

The total amount of countable income for the group is \$4,027.00/monthly. Claimant did not dispute the accuracy of the income budgeted for the group. A review of the FAP budget shows the Department properly applied the \$186 standard deduction applicable to a FAP group size of five, the \$575 standard heat and utility deduction available to all FAP recipients and the correct housing obligation amount of \$750 for the group. (Exhibit 3). BEM 556 (July 2011) outlines the proper procedures for calculating benefit eligibility. The Claimant's group net income is \$3,180.00 after all applicable deductions. The group's net income exceeds the FAP net income limit of \$2,251.00 for a group size of 5. RFT 250 (November 2012). The Department established it acted in accordance with policy when it closed Claimant's FAP benefits due to net income exceeding the limit for the program.

Claimant further testified that she has been evicted from her home, the daughter no longer resides with the group; and her income has been reduced. The Department is required to process any reported changes in accordance with policy to affect future benefits/eligibility. Claimant may re-apply for benefits at any time.

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 in accordance with policy when it closed Claimant's FAP benefits effective May 1, 2013 due to excessive income.

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



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

Date Signed: 6/19/2013

Date Mailed: 6/19/2013

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:

