

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

IN THE MATTER OF:



Reg. No.: 2013-53947
Issue No.: 3003
Case No.: [REDACTED]
Hearing Date: July 18, 2013
County: Wayne DHS (15)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 July 18, 2013, from Detroit, Michigan. Participants included the above-named Claimant. Participants on behalf of the Department of Human Services (DHS) included [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly excluded Claimant's rent from a Food Assistance Program (FAP) determination based on Claimant's failure to report the rent.

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 FAP benefit recipient.
2. In 10/2012, Claimant submitted to DHS a Redetermination, which failed to list a rental expense.
3. Claimant failed to report any rental expense to DHS after the Redetermination form submission.
4. On 6/6/13, DHS determined Claimant's FAP benefit eligibility, effective 7/2013, in part, by excluding rental expenses.

5. On 6/14/13, Claimant requested a hearing to dispute the FAP benefit determination.
6. Claimant testified that DHS made changes to her FAP eligibility and that her only ongoing dispute was the failure by DHS to factor rent expenses in the FAP determination from 6/2013.

CONCLUSIONS OF LAW

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. DHS regulations are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

Claimant requested a hearing to dispute a FAP benefit determination. Claimant testified that DHS has since increased her FAP eligibility and that she is generally satisfied with the changes. Claimant also testified that she still has a dispute concerning FAP eligibility, effective 6/2013, due to the DHS failure to factor her rental expenses.

Claimant testified that she's had a \$450/month rental expense for several years. It was not disputed that DHS failed to factor the expense in Claimant's FAP eligibility since 6/2013.

DHS contended that Claimant failed to report the rental expense. Clients must report changes in circumstance that potentially affect eligibility or benefit amount. BAM 105 (9/2012), p. 1. Thus, Claimant has an obligation to report a rental expense if she expects DHS to budget the rental expense.

Claimant testified that she reported the rental expense obligation to DHS. During the hearing, DHS was asked to check for the most recent case evaluation (application, semi-annual contact report or redetermination). DHS responded that Claimant submitted a Redetermination concerning FAP eligibility for 10/2012. It was not disputed that Claimant failed to list any rental expense on the Redetermination. There was no evidence that Claimant since reported the rental expense.

Based on the presented evidence, it is found that Claimant most recently reported to DHS having no rental expense obligation. Accordingly, DHS had no obligation to budget a rental expense in Claimant's FAP determination.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly excluded Claimant's rental obligation from a FAP determination, effective 6/2013. The actions taken by DHS are AFFIRMED.

Christian Gardocki

Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 7/26/2013

Date Mailed: 7/26/2013

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 affect the substantial rights of the claimant,
 - 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

CG/hw

cc:

