

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201369498
Issue No.: [REDACTED]
Case No.: [REDACTED]
Hearing Date: October 24, 2013
County: SSPC-WEST

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on October 24, 2013, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] and [REDACTED] as her authorized hearings representative. Participants on behalf of the Department of Human Services (Department) included [REDACTED] and [REDACTED].

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's eligibility for Food Assistance Program (FAP) benefits?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. The Claimant applied for Food Assistance Program (FAP) benefits on August 19, 2013.
2. On August 28, 2013, the Department sent the Claimant a Verification Checklist (DHS-3503) with a due date of September 9, 2013, and requesting verification of the Claimant's shelter expenses.
3. On September 11, 2013, the Department notified the Claimant that she had been approved for Food Assistance Program (FAP) benefits in the monthly amount of [REDACTED].

4. The Department received the Claimant's request for a hearing on September 16, 2013, protesting the amount of her Food Assistance Program (FAP) benefits.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 271.1 to 285.5. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10 and Mich Admin Code, R 400.3001 to .3015.

Department policy prohibits allowable expenses to be used to consider eligibility for the Food Assistance Program (FAP) until those expenses have been verified. Department of Human Services Bridges Eligibility Manual (BEM) 554 (July 1, 2013), p 14.

In this case, the Claimant applied for Food Assistance Program (FAP) benefits on August 19, 2013. On August 28, 2013, the Department sent the Claimant a Verification Checklist (DHS-3503) with a due date of September 9, 2013. The Department requested, among other things, verification of the Claimant's monthly shelter expenses. The Department received verification of a portion of the shelter expenses the Claimant had reported on her application for benefits, and it determined her eligibility to receive Food Assistance Program (FAP) benefits as directed by BEM 554.

The Claimant applied for Food Assistance Program (FAP) benefits as a group of one, and she receives a pension and Retirement, Survivors, and Disability Insurance (RSDI) benefits in the total gross monthly amount of [REDACTED]. The Claimant did not dispute this amount during the hearing. The Claimant's adjusted gross income of [REDACTED] was determined by subtracting the standard [REDACTED] deduction and her ongoing medical expense of [REDACTED]. The Claimant's excess shelter deduction of [REDACTED] was determined by adding her verified property tax expenses, her verified condominium fees, the standard \$553 heat and utility deduction, and subtracting 50% of her adjusted gross income. The Department was not able to include her mortgage expenses because it had not been verified. The Claimant's net income of [REDACTED] was determined by subtracting her excess shelter deduction from her adjusted gross income.

As a group of one with a net income of [REDACTED], the Claimant was entitled to a monthly Food Assistance Program (FAP) allotment of [REDACTED]. Department of Human Services Reference Table Manual (RFT) 260 (October 1, 2013), p 9.

Based on the evidence and testimony available during the hearing, the Department has established that it properly determined the Claimant's eligibility for the Food Assistance Program (FAP).

DECISION AND ORDER

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it determined the Claimant's eligibility for the Food Assistance Program (FAP).

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

/s/
Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 10/28/2013

Date Mailed: 10/28/2013

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

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The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

KS/sw

cc:

