

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 201369646  
Issue No.: [REDACTED]  
Case No.: [REDACTED]  
Hearing Date: October 24, 2013  
County: Macomb

**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], as authorized hearings representative on behalf of the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

**ISSUE**

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

**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 is an ongoing Food Assistance Program (FAP) and Medical Assistance (M.A.) recipient.
2. The Claimant receives monthly Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of [REDACTED].
3. The Claimant's spouse receives monthly Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of [REDACTED].
4. The Claimant and her spouse have ongoing Medicare premiums deducted from their Retirement, Survivors, and Disability Insurance (RSDI) benefits in the amount of [REDACTED].

5. On September 11, 2013, the Department notified the Claimant that she was approved for Food Assistance Program (FAP) with a monthly allotment of [REDACTED].
6. The Department received the Claimant's request for a hearing on September 19, 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.

All earned and unearned income available to the Claimant is countable. Earned income means income received from another person or organization or from self-employment for duties that were performed for compensation or profit. Unearned income means all income that is not earned, including but not limited to funds received from the Family Independence Program (FIP), State Disability Assistance (SDA), Child Development and Care (CDC), Medicaid (MA), Social Security Benefits (RSDI/SSI), Veterans Administration (VA), Unemployment Compensation Benefits (UCB), Adult Medical Program (AMA), alimony, and child support payments. The amount counted may be more than the client actually receives because the gross amount is used prior to any deductions. Department of Human Services Bridges Eligibility Manual (BEM) 500 (July 1, 2013).

The Claimant is an ongoing Food Assistance Program (FAP) recipient as a group of two and this group is considered a senior/disabled/veteran (SDV) benefit group. The Claimant and her spouse each receive Retirement, Survivors, and Disability Insurance (RSDI) benefits in the gross monthly amounts of [REDACTED], and [REDACTED]. The Claimant and her spouse have countable and ongoing medical expenses that exceed [REDACTED] in the monthly amount of [REDACTED], which consists of both of their Medicare part B premiums of [REDACTED]. The Claimant's adjusted gross income of [REDACTED] was determined by subtracting the standard [REDACTED] deduction and her countable medical expenses from her total gross income. The Claimant's excess shelter deduction of [REDACTED] was determined by adding her monthly shelter expense of [REDACTED] to the [REDACTED] standard heat and utility deduction, and then subtracting 50% of her adjusted gross income. The Claimant's net income of [REDACTED] was determined by subtracting her excess shelter deduction from her adjusted gross income.

A benefit group of two with a net income of [REDACTED] is entitled to a monthly Food Assistance Program (FAP) allotment of [REDACTED]. Department of Human Services Reference Table Manual(RFT) 260 (October 1, 2013), p 7. The Department has established that it properly determined the Claimant's Food Assistance Program (FAP) eligibility.

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act, 42 USC 1396-1396w-5, and is implemented by 42 CFR 400.200 to 1008.59. The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10 and MCL 400.105.

The Claimant indicated that he was protesting his eligibility for Medical Assistance (M.A.) on his request for a hearing. During the hearing, the Claimant indicated that he was only protesting the Department's determination of his eligibility for the Food Assistance Program (FAP). The Department established that it properly determined his countable gross income, and that there has been no change in eligibility for Medical Assistance (M.A.). Therefore, the Claimant's request for a hearing is dismissed with respect to Medical Assistance (M.A.) benefits.

**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 Food Assistance Program (FAP) eligibility.

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

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

Date Signed: 10/29/2013

Date Mailed: 10/29/2013

**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.

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:

