

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

IN THE MATTER OF:

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████████████████████
████████████████████

Reg. No.: 2013 69883
Issue No.: 3002
Case No.: ██████████
Hearing Date: October 21, 2013
County: Wayne (55)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 21, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, Assistance Payments Worker.

ISSUE

Did the Department properly calculate the Claimant's Food Assistance Benefits based upon no rent being included?

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 reapplied for Food Assistance on August 29, 2013; at the time he applied he reported income from RSDI of \$661 and \$69 in SSI monthly. The Claimant confirmed these amounts at the hearing. Exhibit 1
2. The Claimant's application advised the Department that he no longer paid \$450 in rent. Claimant's current Food Assistance benefits are now \$104.
3. The Department calculated the Claimant's FAP benefits for September and included a heat and utility standard of \$575 which was correct at the time and did not include anything for rent. This standard has now been lowered for all FAP recipients.

4. The Claimant's FAP budget was reviewed at the hearing and the Department correctly determined the gross unearned income to be \$730 consisting of \$661 in RSDI, \$69 in SSI and \$14 in quarterly supplement. The Department did not include any rent in the shelter calculation.
5. The Claimant requested a hearing on September 18, 2013 protesting the amount of his fAP benefits and that the Department did not include rent.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

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.

Additionally, in this case the issue was whether the Department correctly excluded the Claimant's rent in the FAP calculation when calculating shelter expenses. At the hearing the Department advised that the rent was not included based upon the information provided by the Claimant in his application. The income was properly computed by the Department and the unearned income was confirmed as correct by the Claimant at the hearing. Based upon the information it had at the time of the application, the Department was correct in not including the rent amount of \$450 based upon the Claimant's application. BAM 130 (7/1/13). The Claimant at the hearing testified that he did maintenance work and received free rent. These facts were not confirmed by the Claimant's landlord nor did the Department seek verification of this arrangement. Thus no factual determination of this issue could be made as no independent proofs of same were presented and the Department did not have any verification of the issue when computing the September FAP benefits. This arrangement if verified may have an impact on the other benefits received by the Claimant and may be construed as in kind income received, but this issue was not decided at the hearing..

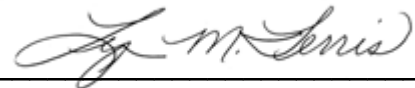
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department

acted in accordance with Department policy when it did not include the Claimant's rent of \$450 when computing Claimant's FAP benefits based upon the information contained in the Claimant's August 29, 2013 application.

DECISION AND ORDER

Accordingly, the Department's decision is

AFFIRMED.



Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: October 28, 2013

Date Mailed: October 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.

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:

2013-69883/LMF

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

LMF/cl

cc:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]