

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

**IN THE MATTER OF:**



Reg. No.: 2014-19994  
Issue No.: 3008  
Case No.: [REDACTED]  
Hearing Date: January 27, 2014  
County: Wayne (82-35)

**ADMINISTRATIVE LAW JUDGE:** Alice C. Elkin

**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 January 27, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Assistance Payments Worker.

**ISSUE**

Did the Department properly calculate Claimant's Food Assistance Program (FAP) benefits for [REDACTED], 2013, ongoing?

**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 is an ongoing recipient of FAP benefits.
2. In connection with Claimant's receipt of Supplemental Security Income (SSI) benefits, the Department recalculated Claimant's FAP benefits.
3. On [REDACTED], 2013, the Department sent Claimant a Notice of Case Action notifying him that his FAP benefits were decreasing to \$92 monthly effective [REDACTED], 2014.
4. On [REDACTED], 2013, Claimant filed a request for hearing disputing the Department's calculation of his FAP benefits.

## **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, Claimant disputed the calculation of his FAP benefits.

The Department did not present an FAP budget with its hearing packet. As such, the figures and information used to calculate Claimant's FAP benefits as shown on the [REDACTED], 2013, Notice of Case Action were reviewed with Claimant at the hearing.

The Notice of Case Action showed that Claimant had unearned gross monthly income of \$735. The \$735 is the sum of Claimant's gross monthly \$721 SSI benefits and \$14 State SSI Payment (SSP) benefits (based on a \$42 quarterly SSP payment). Claimant did not dispute these figures.

The Department testified that it considered Claimant as the only member of his FAP group. Claimant acknowledged that his children lived primarily with their mother and that he only cared for them on certain weekends. Because Claimant was not the primary caretaker of his children, they were properly excluded from his FAP group. BEM 212 (February 2014), pp. 1-2, 3-5. Therefore, the Department properly considered Claimant as the sole member of his FAP group.

Because Claimant did not have any earned income and he was a senior/disabled/veteran (SDV) member of his FAP group, he was eligible for the following deductions from his gross income under Department policy:

- a standard deduction of \$151 based on his one-person group size [RFT 255 (December 2013), p. 1; BEM 556 (July 2013), p. 4];
- an excess shelter deduction, which takes into account Claimant's monthly housing expenses and the \$553 heat and utility standard that applies to all FAP recipients regardless of actual utility expenses and group size [RFT 255, p. 1; BEM 554 (July 2013), pp. 1, 12-15]; and
- expenses for child care, child support and medical expenses in excess of \$35 (BEM 554, p. 1).

The Department testified that, because Claimant had not verified any shelter expenses, it did not consider any monthly housing expenses in calculating Claimant's excess

shelter deduction. Claimant testified that his monthly rent ranged between \$400 and \$500 and, while he contended that he had provided documentation of his rental expenses when he first applied for FAP benefits, there was no evidence that he had verified any shelter expense changes since the time of application. As such, the Department acted in accordance with Department policy when it removed Claimant's rental expense from the calculation of his excess shelter deduction. See BEM 554 (February 2014), p. 14. Claimant is advised to provide verification of his shelter expenses, which may affect his future FAP benefit amount.


Claimant confirmed that he had no day care or child support expenses. While he testified that he sometimes gave his children money, there was no evidence that he had a legal obligation to pay child support and he confirmed that he had not provided any verification of payments on his children's behalf to the Department. Therefore, Claimant was not eligible for any deductions for child care or child support expenses. BEM 554, pp. 6-7. Because there was no evidence that Claimant had provided verification of monthly out-of-pocket medical expenses exceeding \$35 to the Department, the Department properly considered no medical expense deduction in calculating Claimant's FAP benefits.

Based on the information available to the Department at the time the budget was prepared, the Department properly reduced Claimant's \$735 gross income by the \$151 standard deduction and a \$261 excess shelter deduction. This results in monthly net income of \$323. Based on net income of \$323 and a FAP group size of one, the Department acted in accordance with Department policy when it calculated Claimant was eligible for monthly FAP benefits of \$92. BEM 556; RFT 260 (October 2013), p. 6.

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 calculated Claimant's monthly FAP benefits.

### **DECISION AND ORDER**

Accordingly, the Department's decision is AFFIRMED.

  
**Alice C. Elkin**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: January 29, 2014

Date Mailed: January 29, 2014

**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

ACE/pf

cc:

