

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 201421563  
Issue No.: 3008  
Case No.: [REDACTED]  
Hearing Date: February 5, 2014  
County: Wayne (43)

**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 February 5, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Eligibility Specialist.

**ISSUE**

Did the Department properly calculate Claimant's Food Assistance Program (FAP) benefits for January 1, 2014 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 was an ongoing recipient of FAP benefits with a FAP group size of one.
2. Between September 1, 2013, and January 1, 2014, Claimant's monthly FAP benefits decreased from \$174 to \$147.
3. On December 7, 2013, the Department sent Claimant a Notice of Case Action notifying her that her FAP benefits would be \$147 effective January 1, 2014.
4. On January 3, 2014, Claimant filed a request for hearing, concerned about the decrease in her 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 was concerned about her current level of FAP benefits and the series of decreases in her FAP benefits over the course of four months even though she had not had a redetermination or change in circumstances.

Five Notices of Case Action sent to Claimant between August 16, 2013 and December 7, 2013, affecting her FAP benefits for September 1, 2013 to January 1, 2014 ongoing, were reviewed at the hearing.

- The initial August 16, 2013 Notice of Case Action advised Claimant that her monthly FAP benefits were increasing to \$174 effective September 1, 2013.
- The August 21, 2013 Notice of Case Action notified Claimant that her monthly FAP benefits were decreasing to \$168 monthly effective October 1, 2013. This change was due to the monthly State SSI Payment (SSP) benefit of \$14 being added her unearned income. Claimant confirmed that she received a \$42 quarterly SSP payment. The Department properly calculated Claimant's unearned income to include a monthly \$14 SSP benefit. BEM 503 (July 2013), p. 33.
- On September 14, 2013, the Department sent Claimant another Notice of Case Action notifying her of a decrease in her monthly FAP benefits to \$163 beginning October 1, 2013. This change was due to a change in Department policy resulting in a decrease in the heat and utility standard from \$575 to \$553. RFT 255 (October 2013), p. 1. This decrease in the heat and utility standard resulted in an increase in Claimant's *net* income to \$122 even though Claimant's unearned income and other expenses had not changed. Based on net income of \$122, Claimant was eligible for \$163 in monthly FAP benefits. RFT 260 (October 2013), p. 2.
- An October 12, 2013 Notice of Case Action informed Claimant that her monthly FAP benefits were decreasing to \$152 effective November 1, 2013 due to a change in federal law. Even though Claimant's \$122 net income had not changed, because of the change in federal law, Claimant was only eligible for \$152 in monthly FAP benefits. RFT 260 (November 2013), p. 2.

On December 7, 2013, Claimant received the latest Notice of Case Action which affected her current level of FAP benefits. This Notice informed Claimant that her FAP benefits were decreasing to \$147 monthly beginning January 1, 2014. The Department explained that this change was due to an increase in Claimant's Supplemental Security Income (SSI) income from \$710 monthly to \$721 monthly.

The calculation of Claimant's current level of FAP benefits was reviewed at the hearing. Because the Department did not provide a FAP budget, the figures and information used to calculate Claimant's FAP benefits as shown on the December 7, 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 SSP benefits (based on a \$42 quarterly SSP payment). Claimant did not dispute these figures.

Claimant acknowledged that she was the only member of her FAP group. Claimant did not have any earned income, and, based on her receipt of SSI, she was a senior/disabled/veteran (SDV) member of her FAP group. See BEM 550 (July 2013), p. 6. Based on this information, she was eligible for the following deductions from her gross income under Department policy:

- a standard deduction of \$151 based on her 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 of \$184 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).


Although Claimant testified that there had been a decrease in her monthly rent, she confirmed that she had been paying \$184 monthly prior to the change and had not notified the Department before the hearing of changes in her rent. There was no evidence presented that Claimant had presented to the Department any verified child care, child support or out-of-pocket medical expenses.

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 \$445 excess shelter deduction. This results in monthly net income of \$139. Based on net income of \$139 and a FAP group size of one, the Department acted in accordance with Department policy when it concluded that Claimant was eligible for monthly FAP benefits of \$147. BEM 556; RFT 260 (December 2013), p. 2.

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: February 10, 2014

Date Mailed: February 10, 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

2014-21563/ACE

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

ACE/tif

cc:

