

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

IN THE MATTER OF:



Reg. No.: 201419979
Issue No.: 2004; 3001
Case No.: [REDACTED]
Hearing Date: January 30, 2014
County: Macomb (20)

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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, telephone hearing was held on Thursday, January 30, 2014, from Lansing, Michigan. Participants on behalf of Claimant included the Claimant and her brother, [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Eligibility Specialist.

ISSUE

Due to excess income, did the Department properly reduce Claimant's benefits for Food Assistance Program (FAP)?

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 received FAP benefits.
2. On December 30, 2013, the Department increased Claimant's FAP benefits due to a redetermination.
3. On December 30, 2013, the Department sent Claimant/Claimant's Authorized Representative (AR) its decision.
4. On January 6, 2014, Claimant/Claimant's Authorized Hearing Representative (AHR) filed a hearing request, protesting the Department's actions.

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), and Department of Human Services Reference Tables Manual (RFT).

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, the Claimant was a recipient of FAP benefits. The Claimant received an increase in her Social Security benefits of RSDI from [REDACTED] to [REDACTED]. Department Exhibit 14-16. The Claimant also received the State of Michigan SSI supplement of [REDACTED] every 3 months for monthly amount to [REDACTED]. Department Exhibit 17. The Claimant's household also had earned income of [REDACTED]. Department Exhibit 18-19.

The Claimant actually had an increase in FAP benefits from [REDACTED] to [REDACTED]. The Claimant had earned income of [REDACTED] and unearned income of [REDACTED]. After deductions of [REDACTED] from earned income deduction and a [REDACTED] standard deduction, the Claimant had an adjusted gross income of [REDACTED]. The Claimant was given a total shelter deduction of [REDACTED], resulting from a housing expense of [REDACTED] and heat and utility standard of [REDACTED]. The Claimant was given an adjusted excess shelter deduction of [REDACTED], with a total shelter deduction of [REDACTED] minus 50% of adjusted gross income of [REDACTED]. The Claimant had a net income of [REDACTED], which was the adjusted gross income of [REDACTED] minus the excess shelter deduction of [REDACTED]. With a net income of [REDACTED], the Claimant qualified with a household group size of 3 for a maximum benefit of [REDACTED] plus [REDACTED] in economic recovery minus 30% of net income of [REDACTED], resulting in a net benefit amount of [REDACTED]. Department Exhibit 11-13.

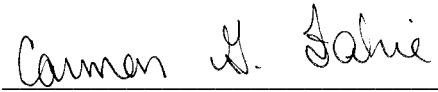
The Claimant has not reapplied for MA. Her Medicaid closed on October 31, 2011. Department Exhibit 1. She does not have an active MA case or a pending application. If the Claimant is interested in MA, then she needs to apply for MA.

The Department has met its burden that the Claimant is receiving all of the FAP benefits that she is entitled to based on household income. BEM 212, 501, 505, 550, 554, and 556. BAM 115, 220, and 600.

The Administrative Law Judge, based upon 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 that the Claimant was receiving the maximum amount of FAP based on her household income and that the Claimant had not reapplied for MA or had a MA application pending.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.



Carmen G. Fahie
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 6, 2014

Date Mailed: February 6, 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

201419979/CGF

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

CGF/aca

cc:

