

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-26694
Issue No(s): 3001
Case No.: [REDACTED]
Hearing Date: March 11, 2014
County: SSPC West 98

ADMINISTRATIVE LAW JUDGE: Darryl T. Johnson

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37, and 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 three-way telephone hearing was held on March 11, 2014, from Lansing, Michigan. Participants on behalf of Claimant included the Claimant [REDACTED]. Participants on behalf of the Department of Human Services (Department) included Assistance Payments Worker [REDACTED].

ISSUE

Did the Department properly deny Claimant's application for Food Assistance Program (FAP) benefits?

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 applied for FAP benefits on November 27, 2013.
2. During the application, Claimant reported both while she completed the online application and during a telephone interview that she lived with her mother and daughter, and that she and her mother purchased and prepared food together.
3. Claimant receives child support for her daughter of \$ [REDACTED] per month. She earns an average weekly income of \$ [REDACTED] from her employment with [REDACTED] and \$ [REDACTED] per month for work she does for [REDACTED].
4. Claimant's mother receives Retirement Survivor and Disability Income (RSDI) of \$ [REDACTED] per month, and earned income of \$ [REDACTED] per week.
5. The Department calculated the group's income based upon Claimant's earned income, child support, her mother's RSDI, and her mother's earned income.

6. Claimant does not pay her mother for housing expenses; her mother pays \$ [REDACTED] per month for rent.
7. In a Notice of Case Action (NCA) dated November 27, 2013 (Exhibit 1 Pages 7-12), Claimant was notified that her application was denied because her "Net income exceeds limit. Case not eligible."
8. On February 5, 2014 Claimant requested a hearing.

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.

"Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of necessary forms; see Refusal to Cooperate Penalties in this item. Clients must completely and truthfully answer all questions on forms and in interviews." BAM 105.

Per BEM 505, "A standard monthly amount must be determined for each income source used in the budget." "Convert stable and fluctuating income that is received more often than monthly to a standard monthly amount. Use one of the following methods:

- "Multiply weekly income by 4.3.
- "Multiply amounts received every two weeks by 2.15.
- "Add amounts received twice a month."

To convert a group member's weekly income to monthly, the average weekly income is multiplied by 4.3. Claimant's weekly income from [REDACTED] is \$ [REDACTED] which is equivalent to \$ [REDACTED] monthly. Added to that is \$ [REDACTED] from her work for [REDACTED] leaving her with total earned income of \$ [REDACTED] monthly. She has unearned income of \$ [REDACTED] per month. Her total monthly income therefore is \$ [REDACTED]. Her mother receives \$ [REDACTED] per month in RSDI, and \$ [REDACTED] per week from employment (which converts to \$ [REDACTED] monthly), so the group has total income of \$ [REDACTED] + \$ [REDACTED] + \$ [REDACTED] = \$ [REDACTED].

During the hearing, Claimant testified that, although she takes her mother out to shop for groceries, they only occasionally purchase and prepare food together. If that were true, Claimant and her daughter would make up a group of two.

Claimant's group size is three, in light of Claimant's statements during the application process. The maximum gross income for a group of three to receive FAP is \$ [REDACTED]. See RFT 250, Column A (12/1/13). For a group of two the income limit is \$ [REDACTED]. Because the Claimant's income exceeds the limit, she is not eligible for FAP, regardless of whether she is in a group of two or three. If Claimant can substantiate that her circumstances are changed so that her income has declined sufficiently – or that her expenses have increased sufficiently - to make her fall within the income limits, she is encouraged to obtain the necessary documentation and reapply.

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it denied Claimant's application for FAP benefits.

DECISION AND ORDER

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



Darryl T. Johnson
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 12, 2014

Date Mailed: March 12, 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

DJT/las

cc:

