

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-29890
Issue No(s): 3008
Case No.: [REDACTED]
Hearing Date: March 27, 2014
County: Ingham

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 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 March 27, 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 Supervisor [REDACTED].

ISSUE

Did the Department properly reduce Claimant's 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 was an on-going recipient of FAP benefits.
2. On December 23, 2013, the Department issued a Notice of Case Action (NCA) informing Claimant that her FAP would be reduced to \$ [REDACTED] per month. (Exhibit 2.)
3. On January 18, 2014, Claimant transitioned from being homeless to moving into an apartment and began incurring housing expenses.
4. On January 22, 2014, the Department mailed Claimant a Shelter Verification (Exhibit 1 Pages 2-3) with a response due by February 3, 2014
5. On January 31, 2014, Claimant provided the Department with a completed Shelter Verification and a copy of her lease. (Exhibit 1 Pages 4-7.)

6. After Claimant's budget was adjusted to account for the reported income, the FAP was increased to \$ [REDACTED] effective March 1, 2014 in a NCA dated February 13, 2014. (Exhibit 1 Pages 8-9.)
7. Claimant's budget was adjusted again to account for unearned income that Claimant's son was receiving from the Social Security Administration beginning March 3, 2014.
8. The Department also issued another NCA on February 13 which advised her that her FAP would be \$ [REDACTED] beginning April 1, 2014.
9. On February 25, 2014, Claimant verbally requested a hearing which her case worker recorded via email. (Exhibit 1 Page 10.)

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.

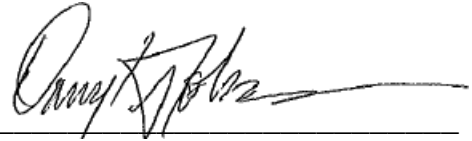
When the Department calculates a FAP budget it takes into account, among many factors, the earned and unearned income the Claimant receives. Claimant was receiving \$ [REDACTED] in unearned income, and previously had no shelter expense. Her FAP benefit for January 2014 was \$ [REDACTED] (Exhibit 1 Page 11.) When Claimant's unearned income and her son's unearned income were combined, their FAP was budgeted at \$ [REDACTED] (Exhibit 1 Page 13.) Due to a computer error, the Department mistakenly removed Claimant's son's income from the budget (Exhibit 1 Page 16) and budgeted her FAP at \$ [REDACTED] beginning March 1, 2014. When his income was once again included in the budget, her FAP was budgeted at \$ [REDACTED] beginning April 1, 2014. (Exhibit 1 Page 19.)

It is not within the scope of the Administrative Law Judge's authority to create new guidelines, eligibility criteria, or deductibles that the Department is to use. The issues that can be decided are whether the Department followed policy with respect to each program, based upon the existing rules, laws, policies, etc.

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 decreased Claimant's Food Assistance Program 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 28, 2014

Date Mailed: March 28, 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.

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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

DTJ/las

cc:

