

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-33509
Issue No.: 3001, 4001
Case No.: [REDACTED]
Hearing Date: April 23, 2014
County: St. Clair

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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 April 23, 2014, from Lansing, Michigan. Participants on behalf of Claimant included (Claimant/Rep). Participants on behalf of the Department of Human Services (Department) included (Department).

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's Food Assistance Program (FAP) and State Disability Assistance (SDA) eligibility?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. The Claimant was an ongoing Food Assistance Program (FAP) and State Disability Assistance (SDA) recipient.
2. The Claimant receives monthly Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of \$ [REDACTED] as of February 2014.
3. The Claimant reported to the Department that she has monthly shelter expenses of \$ [REDACTED]
4. On February 10, 2014, the Department notified the Claimant that it would reduce her monthly Food Assistance Program (FAP) allotment to \$ [REDACTED]

5. On February 11, 2014, the Department notified the Claimant that it would close her State Disability Assistance (SDA) benefits due to excess income.
6. The Department received the Claimant's request for a hearing on March 17, 2014, protesting the closure of State Disability Assistance (SDA) benefits and the reduction of Food Assistance Program (FAP) benefits.

CONCLUSIONS OF LAW

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.

The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-119b. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

All earned and unearned income available to the Claimant is countable. Earned income means income received from another person or organization or from self-employment for duties that were performed for compensation or profit. Unearned income means all income that is not earned, including but not limited to funds received from the Family Independence Program (FIP), State Disability Assistance (SDA), Child Development and Care (CDC), Medicaid (MA), Social Security Benefits (RSDI/SSI), Veterans Administration (VA), Unemployment Compensation Benefits (UCB), Adult Medical Program (AMA), alimony, and child support payments. The amount counted may be more than the client actually receives because the gross amount is used prior to any deductions. Department of Human Services Bridges Eligibility Manual (BEM) 500 (July 1, 2013).

The Claimant was an ongoing Food Assistance Program (FAP) and State Disability Assistance (SDA) recipient. The Claimant reported to the Department that she would begin receiving Retirement, Survivors, and Disability Insurance (RSDI) and that her monthly shelter expenses had changed to \$ [REDACTED]

The income limit for a group of one to participate in the Food Assistance Program (FAP) program is \$ [REDACTED] Department of Human Services Reference Table Manual (RFT) [REDACTED] (December 1, 2013), p 1.

The income limit for a group of one, living independently, in the State Disability Assistance (SDA) program is \$ [REDACTED] Department of Human Services Reference Table Manual (RFT) 225 (December 1, 2013), p 1.

Since the Claimant's countable gross monthly income exceeds the gross income limits to participate in both the Food Assistance Program (FAP) and State Disability Assistance (SDA) programs, her monthly expenses are not relevant to these eligibility determinations.

Based on the evidence and testimony available during the hearing, the Department has established that it was acting in accordance with policy when it reduced the Claimant's Food Assistance Program (FAP) benefits, and closed the Claimant's State Disability Assistance (SDA) benefits.

DECISION AND ORDER

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 reduced the Claimant's Food Assistance Program (FAP) benefits and closed the Claimant's State Disability Assistance (SDA) benefits.

Accordingly, the Department's decision is AFFIRMED.



Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 4/25/14

Date Mailed: 4/28/14

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

KS/tb

cc:

