

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

IN THE MATTER OF:



Reg. No.: 14-000382
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: MAY 1, 2014
County: WAYNE-DISTRICT 35

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 May 1, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Hearings Facilitator.

ISSUE

Did the Department properly calculate the amount of 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 ongoing recipient of FAP benefits.
2. On March 11, 2014, the Department sent Claimant a Notice of Case Action informing her that she was approved for FAP benefits in the amount of \$164 monthly, effective April 1, 2014. (Exhibit 1)
3. On March 31, 2014, Claimant submitted a hearing request disputing the amount of 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, all countable earned and unearned income available to the client must be considered in determining the Claimant's eligibility for program benefits. BEM 500 (January 2014), pp. 1 – 4. The Department considers the gross amount of money earned from Retirement, Survivors, Disability Insurance (RSDI) and Family Independence Program (FIP) benefits as unearned income. BEM 503 (January 2014), pp.14, 28.

At the hearing, the FAP EDG Net Income Results Budget for April 1, 2014 was reviewed. (Exhibit 2). The Department concluded that Claimant had unearned income of \$2661, which it testified came from \$2241 in RSDI benefits for Claimant. Claimant confirmed that she receives \$2241 in gross monthly RSDI benefits. Although the Department was unable to explain the remaining unearned income, Claimant testified that her group receives \$420 in FIP benefits. The \$420 in FIP benefits added to the \$2441 in RSDI benefits results in total unearned income of \$2661.

The budget shows that the Department properly applied the \$162 standard deduction applicable to Claimant's confirmed group size of four and the Department testified that it considered Claimant's confirmed housing costs of \$950. The \$553.00 standard heat and utility deduction available to all FAP recipients was also properly applied. RFT 255 (December 2013), p 1; BEM 554 (July 2013), pp. 14-15.

Additionally, because Claimant's FAP group includes Senior/Disabled/Veteran (SDV) members, the group is eligible for a deduction for verified medical expenses incurred in excess of \$35.00. BEM 554, p 1. The Department determined that Claimant was eligible for a medical deduction of \$457, which it testified came from Claimant's monthly \$104.90 insurance premium as well as other medical expenses for which Claimant had verified.

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 after further review of the evidence presented, the Department properly determined that Claimant had monthly net income of \$1560 and that her group was eligible to receive FAP benefits in the

amount of \$164. RFT 260 (December 2013), p.20. Therefore, the Department acted in accordance with Department policy when it calculated Claimant's FAP benefits.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.



Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **5/8/2014**

Date Mailed: **5/8/2014**

ZB / tlf

cc:

