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

IN THE MATTER OF:		
	Reg. No.: Issue No.: Case No.: Hearing Date: County:	14-000635 3008 May 5, 2014 WAYNE- 76
ADMINISTRATIVE LAW JUDGE:		
HEARING DECIS	ION	
Following Claimant's request for a hearing, this Administrative Law Judge pursuant to MCL 400.9 at 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.0 notice, a telephone hearing was held on May Participants on behalf of Claimant included Participants on behalf of the Department of Hung, FIM, and APS.	and 400.37; 7 CF .33; and 45 CFR / 5, 2014, from ar	R 273.15 to 273.18; 205.10. After due Detroit, Michigan. ad
<u>ISSUE</u>		
Due to excess income, did the Department proper ☐ close Claimant's case ☒ reduce Claimant's be		aimant's application
☐ Family Independence Program (FIP)? ☐ Food Assistance Program (FAP)? ☐ (CDC)? ☐ Medical Assistance (MA)?		Assistance (SDA)? opment and Care
FINDINGS OF FA	ACT	
The Administrative Law Judge, based on the cevidence on the whole record, finds as material face	-	ial, and substantial
1. Claimant applied for received: FIP FAP MA SDA Cobenefits.	CDC	

2.	On April 1, 2014, the Depar	tment 🔲 denied Claimant's applicatior
	closed Claimant's case	☐ reduced Claimant's benefits
	due to excess income.	

- 3. On April 3, 2014, the Department sent Claimant/Claimant's Authorized Representative (AR) its decision.
- 4. On April 1, 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 273. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001 to .3015.

When determining eligibility for FAP benefits, the household's total income must be evaluated. All earned and unearned income of each household member must be included unless specifically excluded. BEM, Item 500. A standard deduction from income of is allowed for certain households. Certain non-reimbursable medical expenses above a month may be deducted for senior/disabled/veteran group members. Another deduction from income is provided if monthly shelter costs are in excess of 50% of the household's income after all of the other deductions have been allowed, up to a maximum of for non-senior/disabled/veteran households. BEM, Items 500 and 554; RFT 255; 7 CFR 273.2. Only heat, electricity, sewer, trash and telephone are allowed deductions. BEM 554. Any other expenses are considered non-critical, and thus, not allowed to be deducted from gross income. Furthermore, RFT 255 states exactly how much is allowed to be claimed for each deduction.

In this case, the Administrative Law Judge has reviewed the FAP budget and finds that the Department properly computed the claimant's gross income. The gross unearned income and earned income amounts must be counted as income. The federal regulations at 7 CFR 273.10 provide standards for the amount of a household's benefits. The Department, in compliance with the federal regulations, has prepared issuance tables which are set forth at Bridges Reference Manual, Table 260. After reviewing the reference tables and claimant's confirmed income, the undersigned has determined that the Department awarded the claimant the correct amount of FAP benefits for the time period in question. The Administrative Law Judge has reviewed the budget and found no significant errors. Claimant was unable to point out specifically

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what parts of the budget they felt were in error, and admitted under oath that the income as used was correct.

Furthermore, while the claimant suggested that child support payments had not been deducted from the FAP budget, a review of the budget shows that child support payments are being taken into account in the general amount testified to by the claimant.

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 reduced claimant's FAP benefts.

DECISION AND ORDER

Accordingly, the Department's decision is

 \boxtimes AFFIRMED.

ROBERT J. CHAVEZ

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

Date Signed: 5/19/2014

Date Mailed: 5/19/2014

____/___

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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

