

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-000785
Issue No.: 3001
Case No.: [REDACTED]
Hearing Date: May 14, 2014
County: DHS SSPC-EAST

ADMINISTRATIVE LAW JUDGE: JACQUELYN A. MCCLINTON

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 14, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Assistance Payment Worker.

ISSUE

Did the Department properly deny Claimant's application for Food Assistance Program benefits due to excess income?

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 February 6, 2014.
2. On February 12, 2014, the Department sent Claimant a Verification of Employment form to be completed and returned.
3. On February 26, 2014, Claimant provided documentation that his wife was employed at a rate of \$18.63 per hour and that she worked 40 hours per week; there was no other household income reported.
4. On March 7, 2014, the Department sent Claimant a Notice of Case Action notifying him that his application for FAP benefits had been denied for excess income.

5. On April 14, 2014, Claimant filed a Request for Hearing disputing 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), 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 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.

Additionally, the Claimant requested a hearing protesting the denial of FAP benefits as he believed that his household income was not sufficient to allow him to meet his financial obligations and should therefore entitle him to benefits. Claimant applied for FAP benefits on February 6, 2014. After submitting requested documents, the Department completed a budget and determined that Claimant was ineligible for FAP benefits.

The Department presented the FAP net income budget showing the calculation it used to determine that Claimant was ineligible for benefits. Claimant has a group size of four. The budget presented by the Department showed that Claimant's gross monthly earned income as \$3,219.00, which was based on the employment of Claimant's wife. Claimant submitted documentation showing that his wife earned \$18.63 per hour and that she worked 40 hours per week. There was no other household income. It is unclear how the Department arrived at \$3,219.00. Using the information submitted by Claimant, the household's gross monthly income is \$3,204.00. Claimant was eligible for the following deductions from his gross income under Department policy:

- a standard deduction of \$162.00 based on his four-person group size (RFT 255 (December 2013), p. 1; BEM 556, (December 2013) p. 4; and
- an excess shelter deduction of \$247.00 which is based on monthly shelter expenses of \$895.00 and the \$553.00 heat and utility standard deduction. (BEM 554 (December 2013), p. 5.

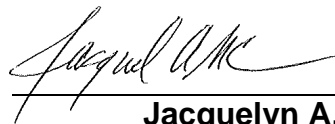
Claimant confirmed that he had no child support or day care expenses. Claimant stated that he has applied for disability but has not been adjudicated at either the state or federal level as being disabled. Claimant further confirmed that he is neither a senior nor a veteran. Using a gross monthly income amount of \$3,204.00 and taking the appropriate deductions, Claimant's correct monthly net income amount is \$2,154.00.

The net income limit for a group size of four is \$1,963.00. RFT 250 (December 2013), p. 1. It is found that the Department's use of a monthly net income amount of \$2,171.00 instead of \$2,154.00 was harmless error as Claimant remained ineligible for FAP benefits when the monthly net income amount was corrected.

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 denied Claimant's February 6, 2014 application for FAP benefits due to excess income.

DECISION AND ORDER

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



Jacquelyn A. McClinton
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **5/23/2014**

Date Mailed: **5/23/2014**

JAM / tlf

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

cc:

