

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201434471
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: May 14, 2014
County: Genesee County DHS #6

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 May 14, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's Food Assistance Program (FAP) 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 applied for Food Assistance Program (FAP) benefits on March 18, 2014.
2. The Claimant's household receives monthly unearned income in the gross monthly amount of \$ [REDACTED].
3. On April 10, 2014, the Department notified the Claimant that she was approved for Food Assistance Program (FAP) with a monthly allotment of \$ [REDACTED].
4. The Department received the Claimant's request for a hearing on March 28, 2014, protesting the amount of her 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.

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 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 Department will prorate benefits for a partial initial benefit amount by multiplying the monthly benefits by the number of days remaining in the month including the application date and dividing this amount by the total number of days in the month. Where the amount is less than \$ [REDACTED] the FAP group will not receive an initial benefit. Department of Human Services Bridges Eligibility Manual (BEM) 556 (July 1, 2013), p 6.

On March 18, 2014, the Claimant applied for Food Assistance Program (FAP) benefits as a group of eight. The Claimant and her family receive a gross monthly household income of \$ [REDACTED]

On March 21, 2014, the Department notified the Claimant that she had been approved for Food Assistance Program (FAP) benefits in the monthly amount of \$ [REDACTED] with no benefits for March 18, 2014.

On April 10, 2014, the Department revised its eligibility determination and notified the Claimant that she would receive a monthly allotment of \$104 as of April 1, 2014, and a prorated benefit of \$ [REDACTED] for March, the month of her application.

The Claimant and her children receive monthly income from Supplemental Security Income (SSI) and state supplemental SSI benefits in the gross monthly amount of \$ [REDACTED]. The Claimant's adjusted gross income of \$ [REDACTED] was determined by subtracting the \$ [REDACTED] standard deduction from the total income. The Claimant's adjusted excess shelter deduction of \$ [REDACTED] was determined by adding her \$ [REDACTED] monthly shelter expense to the \$ [REDACTED] heat and utility standard deduction and subtracting 50% of her adjusted gross income. The Claimant's net income of \$ [REDACTED] was determined by subtracting her adjusted excess shelter deduction from her adjusted gross income.

A Food Assistance Program (FAP) benefit group of eight with a net income of \$ [REDACTED] is entitled to a monthly benefit of \$ [REDACTED]. Department of Human Services Reference Table Manual (RFT) 260 (December 1, 2013), p 44.

The Claimant argued that she felt as if she had been harassed by her caseworker.

A complaint as to alleged misconduct or mistreatment by a state employee shall not be considered through the administrative hearing process, but shall be referred to the Department personnel director. Mich Admin Code, R 400.903.

The Claimant failed to present evidence that the Department failed to correctly determine her countable income as of April 10, 2014, or properly apply this income as of the date of her application for benefits.

Based on the evidence and testimony available during the hearing, the Department has established that it properly determined the Claimant's Food Assistance Program (FAP) eligibility.

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 determined the Claimant's Food Assistance Program (FAP) eligibility.

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



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

Date Signed: May 19, 2014

Date Mailed: May 19, 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;

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- 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/hj

cc:

