

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

IN THE MATTER OF:



Reg. No.: 14-004859
Issue No.: 3008, 4001
Case No.: [REDACTED]
Hearing Date: July 23, 2014
County: Kent-District 1

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 July 23, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED], [REDACTED], and [REDACTED].

ISSUE

Did the Department properly determine the Claimant's eligibility for the Food Assistance Program (FAP)?

FINDINGS OF FACT

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

1. On May 14, 2014, the Claimant submitted an application for Food Assistance Program (FAP), State Disability Assistance (SDA), Medical Assistance (MA), and State Emergency Relief (SER) benefits.
2. The Claimant receives monthly Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of \$ [REDACTED].
3. On May 14, 2014, the Department approved the Claimant for Food Assistance Program (FAP) with prorated benefits in the amount of \$ [REDACTED] for May of 2014, and in the monthly amount of \$ [REDACTED] as of June of 2014.
4. On June 2, 2014, the Department denied the Claimant's State Disability Assistance (SDA) application.
5. The Department received the Claimant's request for a hearing, protesting the Department's determination of her monthly income to determine her Monthly Food

Assistance Program (FAP) benefits, and the denial of her State Disability Assistance (SDA) 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 Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101 to .3131.

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.

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 42 CFR 435, 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 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).

On May 14, 2014, the Claimant applied for Food Assistance Program (FAP) and cash assistance as a group of one.

A Family Independence Program (FIP) benefit group must include a dependent child who lives with a legal parent, stepparent or other qualifying caretaker. Department of Human Services Bridges Eligibility Manual (BEM) 210 (July 1, 2013), p 1.

The Department's representative testified that the Claimant did not report on her application for assistance that she is disabled. A finding of disability, or caring for a disabled person is a requirement of receiving State Disability Assistance (SDA) benefits.

However, regardless of whether the Department had reason to know about the Claimant's ability to work, the Claimant remains ineligible for SDA benefits.

The Claimant receives monthly Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of \$[REDACTED]. The Claimant's adjusted gross income of \$[REDACTED] was determined by subtracting the standard \$[REDACTED] deduction from the total monthly income. The Claimant has no monthly shelter deduction for rent or utilities, and is not entitled to an excess shelter deduction. Therefore, the Claimant's net income is equal to her adjusted gross income.

A group of one with a net income of \$[REDACTED] is entitled to a monthly allotment of \$[REDACTED] which is the amount granted by the Department. Department of Human Services Reference Table Manual (RFT) 260 (December 1, 2013). With an application date of May 14, 2014, the Claimant was eligible for a prorated benefit for May of 2014. Department of Human Services Bridges Eligibility Manual (BEM) 556 (December 1, 2013).

A benefit group of one with an income greater than \$[REDACTED] is not eligible to receive Family Independence Program (FIP) or State Disability Assistance (SDA) benefits based on excess income. Department of Human Services Reference Table Manual (RFT) 210 (December 1, 2013).

The Claimant argued that she does not receive Retirement, Survivors, and Disability Insurance (RSDI) benefits in the amount of \$[REDACTED] and was not receiving any income as of May 1, 2014. The Claimant presented evidence showing that the Social Security Administration would be withholding from her Retirement, Survivors, and Disability Insurance (RSDI) benefits for an overpayment in the amount of \$[REDACTED] each month.

The documents submitted by the Claimant do not indicate that she did not receive Retirement, Survivors, and Disability Insurance (RSDI) benefits in May or June of 2014. Furthermore, the Department considers her gross monthly Retirement, Survivors, and Disability Insurance (RSDI) to be countable income and any withholding by the Social Security Administration does not reduce the countable amount. Department of Human Services Bridges Eligibility Manual (BEM) 503 (July 1, 2014), pp 28-29.

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 monthly allotment for the Food Assistance Program (FAP) and denied her request for cash assistance.

DECISION AND ORDER

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



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

Date Signed: **7/28/2014**

Date Mailed: **7/28/2014**

KS/las

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:

