

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

IN THE MATTER OF:

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████████████████████

Reg. No.: 14-005215
Issue No.: 3001
Case No.: ██████████
Hearing Date: July 23, 2014
County: WAYNE PATHWAYS

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 July 23, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, Pathways to Potential Success Coach.

ISSUE

Did the Department properly calculate Claimant's eligibility for 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 is an ongoing FAP recipient.
2. Claimant's minor daughter moved into his home in approximately March 2014.
3. On March 17, 2014, the Department sent Claimant a Notice of Case Action notifying him that his benefits had increased to \$215.00.
4. On June 19, 2014, Claimant submitted a new application for FAP benefits.
5. On June 19, 2019, Claimant filed a Request for Hearing disputing the receipt of \$215.00 in FAP benefits per month.

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.

While it is unclear as to whether Claimant's hearing request was tied to the March 17, 2014 Notice of Case Action or to the June 19, 2014 application for benefits, the Department confirmed that Claimant is receiving \$215.00 per month. Because Claimant filed a Request for Hearing disputing the receipt of \$215.00 per month, it is found that his Request for Hearing is timely. The Hearing Summary presented by the Department stated that Claimant's minor daughter moved into his home in April 2014. This was clearly an error as the March 17, 2014 Notice of Case Action included Claimant's minor daughter in his FAP group. Claimant stated that his adult daughter received \$180.00 in FAP benefits and he received \$45.00 in FAP benefits for himself and his minor daughter. It is unclear why Claimant believes the FAP benefits are divided in this manner. The Department testified that the group as a whole receives \$215.00 per month in FAP benefits.

In this case, the Claimant requested a hearing because he believed that his FAP benefits were insufficient to meet his household needs. Claimant confirmed that he receives \$1,053.90 in RSDI benefits. Claimant testified that after a child support payment of \$30.00 per month and income taxes are deducted, his net RSDI benefit amount is approximately \$900.00 per month. Claimant also confirmed that his minor daughter receives \$526.00 in RSDI income. Claimant has an adult step-daughter in the home who does not have any earned or unearned income. Accordingly, the group's total monthly unearned income before deductions is \$1,579.00.

Claimant has a group size of three. The Department presented a net income budget which properly listed Claimant's household monthly unearned income as \$1,579.00. Based on Claimant's circumstances, he was eligible for the following deductions from the group's income under Department policy:

- a standard deduction of \$151 based on his three-person group size (RFT 255 (December 2013), p. 1; BEM 556, (July 2013) p. 4;
- a medical deduction of \$70.00, which is the amount of Claimant's medical expenses less \$35.00. BEM 554 (February 2014) p. 1;

- a child support deduction of \$30.00; BEM 554, p. 6; and
- an excess shelter deduction of \$389.00 which is based on monthly shelter expenses of \$500.00 and the \$553.00 heat and utility standard deduction. (BEM 556, p. 4; RFT 255, p. 1.

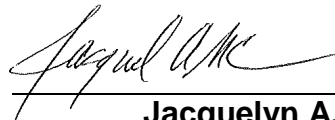
The Department testified that because Claimant received the heat and utility standard of \$553.00, he was not entitled to a deduction for water/sewage or telephone. Department policy holds that a FAP group which has no heating/cooling expense but has a responsibility to pay for water and/or sewer separate from rent/mortgage or condo fees, must use the water and/or sewer standard. BEM 554, p. 20. Regarding the telephone standard, Department policy also holds that a FAP group which has no heating/cooling expense but has a responsibility to pay for a traditional land-line service, cellular phone service including per-minute or per-call service and voice over Internet protocol (VoIP) must use the telephone standard. BEM 554, p. 21. Accordingly, because Claimant has heating/cooling expenses, he was not entitled to a water/sewage or telephone deduction.

Based on the information available to the Department at the time the budget was prepared, the Department correctly calculated Claimant's net income as \$939.00. Therefore, it is found that the Department properly determined that Claimant was entitled to a FAP benefit amount of \$215.00 per month.

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 policy when it determined that Claimant was eligible for FAP benefits in the amount of \$215.00 per month.

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: **7/28/2014**

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

JAM/cl

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:

[REDACTED]