

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-004760
Issue No.: 3008;5000
Case No.: [REDACTED]
Hearing Date: July 24, 2014
County: MACOMB-DISTRICT 20

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 24, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and her husband, [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Hearings Facilitator.

ISSUE

Did the Department properly process Claimant's Food Assistance Program (FAP) and State Emergency Relief (SER) 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 was an ongoing recipient of FAP benefits.
2. Claimant was approved for FAP benefits in the amount of \$239, effective July 1, 2014.
3. Claimant was not in agreement with the calculation of her FAP benefits.
4. On an unverified date, Claimant submitted an application for SER assistance with her water bill.
5. On an unverified date, the Department denied Claimant's request for SER assistance with her water bill.

6. On June 12, 2014, Claimant submitted a hearing request 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).

SER

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Family Independence Agency) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001 through R 400.7049.

The hearing was requested to dispute the Department's action taken with respect to Claimant's SER benefits. Shortly after commencement of the hearing, Claimant testified that she now understood the actions taken by the Department and that the issue she requested a hearing on had been resolved. Claimant stated that she did not wish to proceed with the hearing with respect to her SER benefits. The Request for Hearing was withdrawn. The Department agreed to the dismissal of the hearing request.

FAP

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, all countable gross earned and unearned income available to the client must be considered in determining the Claimant's eligibility for program benefits. BEM 500 (July 2014), pp. 1 – 4. The Department determines a client's eligibility for program benefits based on the client's actual income and/or prospective income. Prospective income is income not yet received but expected. BEM 505 (July 2014), pp. 1-2. In prospecting income, the Department is required to use income from the past 30 days if it appears to accurately reflect what is expected to be received in the benefit month, discarding any pay if it is unusual and does not reflect the normal, expected pay amounts. BEM 505, p. 5.

A standard monthly amount must be determined for each income source used in the budget. BEM 505, p. 7. Income received weekly is converted to a standard amount by multiplying the average of the weekly paychecks by the 4.3 multiplier. BEM 505, pp. 7-8. The Department is to apply a 20% earned income deduction to Claimant's gross countable earned income. BEM 550 (February 2014), p. 1.

At the hearing, the FAP EDG Net Income Results Budget was reviewed. (Exhibit 1). The Department concluded after prospectively budgeting, that Claimant had earned income of \$1862 which it testified came from Claimant's employment. Specifically, the Department stated that it relied on the earnings statements provided by Claimant and considered Claimant's confirmed weekly pay of (i) \$603.20 paid on May 1, 2014; (ii) \$232 paid on May 8, 2014; (iii) \$420.50 paid on May 15, 2014; and (iv) \$477.05 paid on May 22, 2014. (Exhibit 2).

The budget shows that the Department properly applied the \$151 standard deduction applicable to Claimant's confirmed group size of three and that the \$553.00 standard heat and utility deduction available to all FAP recipients was also properly applied. RFT 255 (December 2013), p 1; BEM 554 (May 2014), pp. 12-15. The Department considered Claimant's housing costs of \$700, which Claimant confirmed were correct. (Exhibit 1).

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 after further review of the evidence presented, the Department properly determined that Claimant had monthly net income of \$860, and that she was eligible to receive FAP benefits in the amount of \$239 monthly, effective July 1, 2014. RFT 260 (December 2013), p.11. Therefore, the Department acted in accordance with Department policy when it calculated Claimant's FAP benefits.

DECISION AND ORDER

Accordingly, the hearing request with respect to SER is DISMISSED and the Department's FAP decision is AFFIRMED.



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

Date Signed: **7/30/2014**

Date Mailed: **7/30/2014**

ZB / 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:

