

**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.: 14-005157
Issue No.: 3001
Case No.: ██████████
Hearing Date: July 29, 2014
County: OAKLAND #2

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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, telephone hearing was held on Tuesday, July 29, 2014, from Lansing, Michigan. Participants on behalf of Claimant included the Claimant, her s ██████████ ██████████ and her authorized representative, ██████████ ██████████ ██████████ ██████████ ██████████ ██████████. Participants on behalf of the Department of Human Services (Department) included ██████████, APSup.

ISSUE

Due to excess income, did the Department properly reduce Claimant's benefits for:

- | | |
|--|---|
| <input type="checkbox"/> Family Independence Program (FIP)? | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input checked="" type="checkbox"/> Food Assistance Program (FAP)? | <input type="checkbox"/> Child Development and Care (CDC)? |
| <input type="checkbox"/> Medical Assistance (MA)? | |

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 received: FAP benefits.
2. On June 6, 2014, the Department reduced Claimant's benefits due to excess income.
3. On June 6, 2014, the Department sent Claimant/Claimant's Authorized Representative (AR) its decision.

4. On June 13, 2014, Claimant/Claimant's Authorized Hearing Representative (AHR) filed a hearing request, protesting 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), and Department of Human Services Reference Tables Manual (RFT).

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 was a recipient of FAP benefits. The Claimant received Social Security benefits of \$█████ that the Claimant confirmed at the hearing.

As a result of excess income, the Claimant had a decrease in FAP benefits. After deductions from her gross income of \$█████ of a \$█████ standard deduction and a \$█████ medical deduction for an adjusted gross income of \$█████. The Claimant was given a total shelter deduction of \$█████ resulting from a housing expense of \$█████ and heat and utility standard of \$█████. She does not pay any utility bills so she no longer gets the credit of \$█████ with the new Department policy disallowing the credit. The Claimant was given an adjusted excess shelter deduction of \$█████ with a total shelter deduction of \$█████ minus 50% of adjusted gross income of \$█████. The Claimant had a net income of \$█████ which was the adjusted gross income of \$█████ minus the excess shelter deduction of \$█████. With a net income of \$█████ the Claimant qualified with a household group size of 1 for a maximum benefit of \$█████ plus \$█████ in economic recovery minus 30% of net income of \$█████ resulting in a net benefit amount of \$█████. Department Exhibit 7-9. On June 6, 2014, the Department Caseworker sent the Claimant a notice that her FAP benefits would be decreasing to \$█████ effective June 1, 2014.

The Department has met its burden that the Claimant had excess income for FAP resulting in a decrease in FAP benefits from \$█████ to \$█████ as a result of the loss of the heat and utility credit. BEM 554.

The Administrative Law Judge, based upon 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 decrease in FAP benefits from \$█████ to \$█████ as a result of excess income due to the loss of the heat and utility credit.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

Carmen G. Fahie

Carmen G. Fahie
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **8/5/2014**

Date Mailed: **8/5/2014**

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 Claimant;
- 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.

