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

IN THE MATTER OF:			
		Reg. No.: Issue No.: Case No.: Hearing Date: County:	14-006090 3001 August 5, 2014 DHS SSPC-WEST
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 Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included			
<u>ISSUE</u>			
Due to excess income, did the Department properly $igtimes$ reduce Claimant's benefits for:			
$\boxtimes$	• • • • • • • • • • • • • • • • • • • •	tate Disability Ass hild Development	sistance (SDA)? t and Care (CDC)?
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 17, 2014, the Department ☐ denied Claimant's application ☒ reduced Claimant's benefits due to excess income.		
3.	On June 17, 2014, the Department se	ent Claimant/Cla	nimant's Authorized

Representative (AR) its decision.

4. On June 26, 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 was approved for gross income of \$ Department Exhibit 10-11.

As a result of excess income, the Claimant had a decrease in FAP benefits. After deductions from her gross income of standard deduction for an adjusted gross income of the Claimant was given a total shelter deduction of the Claimant was given an adjusted excess shelter deduction of the Claimant was given an adjusted excess shelter deduction of the Claimant had a net income of the Claimant had a net income of the Claimant qualified with a household group size of the Claimant q

Previously, the Claimant qualified for the heat and utility standard of \$\) which was allowed by policy even though the Claimant was not paying any policy changed requiring an actual name on a before the deduction is given. The Department has met its burden that the Claimant had excess income for FAP resulting in a decrease in FAP benefits from to \$\) BEM 554, and 556. BAM 115, 130, and 600.

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 decreased the Claimant FAP benefits because she no longer qualified for the heat and utility standard.

## **DECISION AND ORDER**

Accordingly, the Department's decision is  $\boxtimes$  AFFIRMED.

Carmen G. Fahie

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

Cormon II. Salvie

Date Signed: 8/14/2014

Date Mailed: 8/14/2014

**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.

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

## CHG/tb

