

**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 007805
Issue No(s): 3001
Case No.: ██████████
Hearing Date: August 28, 2014
County: Wayne (16)

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 August 28, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████ ██████, Assistance Payments Worker, and ██████ Observer/Assistance Payments Worker.

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. On May 30, 2014, the Department received Claimant's completed Semi Annual contract Report.
2. Claimant submitted paystubs for herself and another group member.
3. The Department recalculated Claimant's eligibility for FAP benefits and on July 31, 2014, sent Claimant a Notice of Case Action notifying her that she had been approved for a monthly FAP benefit amount of \$308.00 effective July 1, 2014.
4. On July 25, 2014, Claimant filed a Request for Hearing 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).

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 earned and unearned income available to the client must be considered in determining the Claimant's eligibility for program benefits. BEM 500 (January 2014), pp. 1 – 4.

In this case, the Claimant requested a hearing because she believed that her FAP benefits had not been properly calculated. Claimant was a prior recipient of FAP benefits. On May 30, 2014, Claimant submitted a Semi Annual Contact Report. She also submitted paystubs for herself and another group member. The Department notified Claimant that she needed to submit additional paystubs as some of the current paystubs were missing. On July 31, 2014, Claimant submitted the missing paystubs. Based on the household's May 2014 paystubs, the Department determined that the household's earned income was \$1,181.00. As a result, the Department recalculated Claimant's eligibility for FAP benefits. Additionally, the Department determined that Claimant received \$63.00 monthly in child support. Accordingly, Claimant's gross monthly income is \$1,244.00

The Department included a modified budget in the July 31, 2014 Notice of Case Action which notified Claimant that she would receive \$308.00 per month effective July 1, 2014. Claimant has a group size of three. Based on Claimant's circumstances, she was eligible for the following deductions from her gross income under Department policy:

- a standard deduction of \$151 based on her three-person group size RFT 255 (December 2013), p. 1; BEM 556, (July 2013) p. 3; and
- an excess shelter deduction of \$228.00 which is based on monthly shelter expenses of \$103.00 and the \$553.00 heat and utility standard deduction. RFT, p. 1.

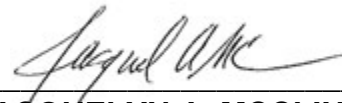
Using a gross monthly income amount of \$1,244.00 and taking the appropriate deductions, Claimant's monthly net income amount is \$628.00. Based on the information available to the Department at the time the Redetermination was submitted,

it properly determined that Claimant was entitled to a FAP benefit amount of \$308.00 per month. RFT 260 (December 2013), p. 8.

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 \$308.00 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: September 2, 2014

Date Mailed: September 2, 2014

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides or has its principal place of business in the State, 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

14-007805/JAM

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

JAM/cl

cc:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]