

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-009467
Issue No.: 1000,3008, 5000
Case No.: [REDACTED]
Hearing Date: September 11,2014
County: WAYNE-35 (REDFORD)

ADMINISTRATIVE LAW JUDGE: Lynn Ferris

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 September 11,2014, from [REDACTED], Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Hearing Facilitator.

ISSUE

Did the Department properly calculate the Claimant's Food Assistance (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. The Claimant was an ongoing recipient of Food Assistance. The Claimant currently receives this food assistance in the amount of \$ [REDACTED] per month. Exhibit C.
2. The Department closed the Claimant's SDA cash assistance as the Claimant began receiving SSI in the amount of [REDACTED] per month. Exhibit D
3. The Claimant did not have a currently pending or recently denied State Emergency Relief application; thus, there was no issue to be decided regarding the Claimant's claim that he was denied reimbursement for his water bill which was in arrears.
4. The Claimant requested a hearing on August 5, 2014, questioning the amount of his food assistance and generally seeking to know what other benefits might be available to him.

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, a review of the Claimant's food assistance budget was conducted at the hearing. Exhibit H. The Department properly calculated the gross unearned income to be ██████ per month based on SSI received in the amount of ██████ monthly and a \$1 ██████ quarterly supplement, for a total of ██████ per month. The Claimant confirmed he received ██████ from SSI. The Department also included shelter expenses in the amount of ██████ for monthly taxes and a heat in utility allowance of ██████. Shelter expenses such as taxes do not have to be paid to be allowed. BEM 554, p.112 (10/1/14). This made the total shelter amount ██████, which was correct based upon the information provided at the hearing. Once 50% of the adjusted gross income is deducted, the adjusted excess shelter amount is ██████ which sum is correct and which is the maximum excess shelter deduction an individual can receive under the food assistance program policy. Therefore, the current calculation of FAP benefits in the amount of ██████ it is determined to be correct.

As regards the Department's closure of the Claimant's SDA benefits, the Department closed these benefits because the Claimant's unearned income of ██████ from SSI exceeds the SDA income limit of \$269 and, therefore, the Claimant is not entitled to SDA due to his excess income. Exhibit D, RFT 225 (12/1/13).

Finally, the Claimant in his Hearing Request requested a hearing regarding state emergency relief and his water bill. At the time of the hearing, no such application was pending or had been denied, and at the hearing the Claimant wanted to know whether he would be eligible for assistance with back property tax arrearages on his home and his water bill. As no application was pending and no denial of an application was presented, nothing was required to be decided at the hearing. The Claimant was urged to reapply and seek assistance of the Department with respect to state emergency relief requirements and whether he may be eligible for such benefits.

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 Department policy when it determined Claimant's Food Assistance benefits, and properly closed the Claimant's SDA case.

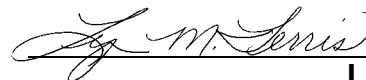
DECISION AND ORDER

Accordingly, the Department's decision(s) regarding the amount of the Claimant's Food Assistance and closure of the Claimant's SDA case are:

AFFIRMED.

The Claimant's request for hearing regarding State Emergency Relief is dismissed, as there is no issue to be determined regarding these benefits for the reasons explained herein and, therefore, the Claimant's request is hereby:

DISMISSED.



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

Date Signed: **9/16/2014**

Date Mailed: **9/16/2014**

LMF/tm

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:

