

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-010604
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: September 24, 2014
County: WAYNE-19 (INKSTER)

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 24, 2014, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant, [REDACTED] of Second Chance Living Supportive Services, the Claimant's Authorized Hearing Representative, also appeared. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Family Independence Manager, and [REDACTED], Assistance Payment Worker.

ISSUE

Did the Department properly calculate the Claimant's Food Assistance Allotment?

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 completed an online Food Assistance application on July 9, 2014.
2. The Claimant's online application indicated that he was not responsible to pay any utility expenses.
3. The Department approved the Food Assistance application, and also approved the Claimant's food assistance benefits, effective September 1, 2014, in the amount of [REDACTED] per month by notice of case action dated August 13, 2014. Exhibit 1
4. At the time of Claimant's Food Assistance application, he received SSI income in the amount of [REDACTED] per month. The Claimant also received a monthly supplement

from the state of Michigan in the amount of [REDACTED] for a gross total monthly income of \$735. Exhibit 4 and Exhibit 2.

5. The Claimant pays rent in the amount of [REDACTED] per month. Exhibit 3
6. The Claimant requested a hearing protesting the amount of his Food Assistance benefits on August 20, 2014.

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, the issue in this case was whether the Department properly calculated the Claimant's food assistance benefits. The Claimant was a prior recipient of food assistance and noted that when he reapplied in July 2014, his benefits were significantly reduced from the prior level. On May 1, 2014, the Department implemented a new policy found in BEM 545, which requires that actual utility costs be reported and verified as expenses, so that they may be included as expenses when calculating food assistance benefits. BEM 545 ((10/1/14), pp. 15. Prior to May 1, 2014, the Department automatically included a utility allowance expense of [REDACTED] for all FAP benefit recipients when calculating FAP benefits.

This policy change caused the reduction of the Claimant's food assistance from its prior levels because according to this new policy, unless the Claimant paid a heating bill, he was no longer automatically entitled to the utility expense of [REDACTED] previously included and applied to all FAP applicants as a utility expense, regardless of whether or not they paid any utility expenses.

In this case, the Claimant listed no utilities were paid by him when he filed his application in July 2014 and, thus, when processing the application based on the new policy, the Department correctly did not include any utility expenses. The new policy does allow other utility expenses to be claimed by FAP applicants or recipients in addition to heating expense as part of the food assistance expense and those provisions can be found in BEM 554. The Claimant can provide the Department with

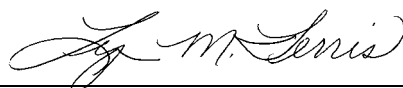
those expenses, if any, and the Department will consider if the expenses are otherwise eligible as per Department policy.

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 calculated the Claimant's food assistance benefits and correctly excluded any utility expense based on the policy found in BEM 545 referenced above.

DECISION AND ORDER

Accordingly, the Department's decision is

AFFIRMED.



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

Date Signed: **9/25/2014**

Date Mailed: **9/25/2014**

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:

