

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-012115
Issue No.: FAP
Case No.: [REDACTED]
Hearing Date: October 23, 2014
County: KENT-DISTRICT 1

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 October 23, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED], the Claimant, and [REDACTED], cousin. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Hearing Facilitator, [REDACTED] Assistance Payments Supervisor, and [REDACTED], Assistance Payments Worker.

ISSUE

Did the Department properly determine Claimant's Food Assistance Program (FAP) monthly 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. On September 10, 2014, Claimant applied for FAP.
2. On September 11, 2014, Claimant's FAP case was opened and Claimant was approved for an allotment of \$10 for the partial month of September 2014.
3. On September 11, 2014, a Notice of Case Action was issued to Claimant.
4. On September 19, 2014, Claimant filed a request for hearing contesting the Department's actions¹.

¹ On the September 9, 2014, application, Claimant applied for other programs besides FAP, including Cash Assistance, Health Care Coverage and State Emergency Relief. On the September 19, 2014, hearing request Claimant stated she was contesting the denial of all benefits. However, it was confirmed that Claimant was already active for SSI Medicaid, the State SSI supplement, and there are no contested SER issue(s). There is no evidence of a denial of any benefit programs. The only remaining contested

5. On September 29, 2014, Claimant verified a newly reported shelter expense.
6. Claimant's FAP allotment was re-calculated to consider the new shelter expense and an error with her SSI income was corrected.
7. Claimant was issued a supplement of \$14 to increase the allotment for the partial month of September 2014 and Claimant's ongoing FAP allotment was increased to \$65.

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.

BEM 550, 554, and 556 address the FAP budget. In calculating the FAP budget, the entire amount of earned and unearned countable income is budgeted. Every case is allowed the standard deduction shown in RFT 255. BEM 550. The gross amount of the current Social Security Administration (SSA) issued Supplemental Security income (SSI) and Retirement Survivors and Disability Insurance (RSDI) benefits are counted as unearned income. BEM 503. A shelter expense is allowed when the FAP group has a shelter expense or contributes to the shelter expense. Heat and utility expenses can also be included. BEM 554.

In this case, Claimant reported she was homeless with no shelter or heat/utility obligations when she applied for FAP on September 10, 2014. Accordingly, no shelter or heat/utility expenses were initially included in the FAP budget. However, the evidence indicates an error was made regarding Claimant's income in the initial FAP budget. Claimant also testified she started renting a room and reported this to the Department. Upon receiving the verification of the new shelter expense, the Department re-calculated the FAP budget to include a shelter expense and corrected the income error. Claimant confirmed that the amounts the Department included in the updated FAP budget for her income and shelter expense were correct. The Department issued a supplement for the FAP allotment for the partial month of September and Claimant's ongoing FAP monthly allotment increased to \$65. As explained during the telephone hearing proceedings, the BEM policy does not allow for other the types of expenses discussed during the hearing, such as Claimant's storage unit or the more expensive specialty foods for her medical condition(s), to be included in the FAP

issue is the amount of the FAP monthly allotment. Accordingly, the non-FAP related portions of this appeal are DISMISSED.

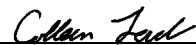
budget. Accordingly, the Department's determinations for Claimant's FAP allotments are upheld.

Claimant asserted she will start having a heat expense next month, November 2014. This expense can be considered for Claimant's ongoing FAP benefit pursuant to the BEM 554 policy addressing heat/utility expenses. However, the upcoming heat expense is not applicable to the FAP determination for the prior months. If they have not already done so, the Department may ask Claimant to provide verification of the anticipated heat expense.

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 when it determined Claimant's FAP monthly allotment.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.



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

Date Signed: **10/29/2014**

Date Mailed: **10/29/2014**

CL/hj

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:

