

**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.: 14-012326
Issue No.: 2000, 3003
Case No.: ██████████
Hearing Date: October 22, 2014
County: WAYNE (18)

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 October 22, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and ██████████, Claimant's daughter. Participants on behalf of the Department of Human Services (Department) included ██████████ Family Independence Specialist, and ██████████, PATH Coordinator.

ISSUE

Did the Department properly determine 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. Claimant is an ongoing recipient of FAP benefits.
2. On May 6, 2014, the Department received Claimant's completed Redetermination and processed her eligibility for FAP benefits.
3. On September 5, 2014, the Department sent Claimant a Notice of Case Action notifying her that she had been approved for FAP benefits in the amount of \$313 per month.

4. On September 17, 2014, Claimant filed a Request for Hearing to dispute 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.

MA

The hearing was requested to dispute the Department's action taken with respect to her MA program benefits. Shortly after commencement of the hearing, Claimant testified that she understood the Department's actions and stated that she did not wish to proceed with a hearing relating to MA benefits. The Request for Hearing relating to MA benefits was withdrawn. The Department agreed to the dismissal of the hearing request as it related to MA benefits. Pursuant to the withdrawal of the hearing request filed in this matter, the Request for Hearing regarding MA benefits is, hereby, **DISMISSED**.

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. Claimant filed a Request for Hearing as she did not understand how the Department calculated her FAP benefit amount at \$313 per month.

The Department presented a budget which showed the group's countable unearned income as \$1,898.00. The Department stated that Claimant receives \$1,963.77 per month in worker's compensation benefits and that she receives \$612.00 in RSDI income. Claimant confirmed that this information was correct. The Department presented evidence that in July 2014, Claimant received \$335.88 in child support. Lastly, the Department testified that Claimant's daughter received \$105.00 in Family Independence Program benefits. However, the Department indicated that Claimant's daughter was currently in a sanction status.

Department policy provides that, where a client who receives FAP is subject to a FIP-related noncompliance, a client's last FIP allotment is budgeted into the FAP budget

and is removed from FAP budget at the end of the FIP penalty period. BEM 233B (July 2013), p. 3. As such, it is found that the Department properly counted Claimant's daughter's FIP income even though she was in sanction status.

The deductions to income on the budget were also reviewed. Claimant acknowledged that there were four members of her FAP group. Claimant is disabled and as such is not subject to the \$478 shelter deduction limit. BEM 556 (July 2013), p. 5. Accordingly, Claimant's group is eligible for the following deductions to income:

- Excess shelter deduction of \$673.00, which is based on monthly shelter expenses and the applicable utility standard.
- A standard deduction based of \$162.00 based on Claimant's four person group size.

BEM 554 (May 2014), p. 1, 14-22; BEM 556 (July 2013), p. 3; RFT 255 (December 2013), p. 1.

The Department failed to provide a shelter deduction budget. However, Claimant confirmed her housing expense as \$988.00. The Department testified and the Notice of Case Action confirmed that Claimant received the \$553.00 utility standard. When the housing cost of \$988.00 is added to the utility standard of \$553.00 the total equals \$1,541.00. When that amount is subtracted from 50% of the adjusted gross income ($\$1,736.00/2 = \868), the shelter deduction is \$673.00. Therefore, it is found that the Department properly calculated the excess shelter deduction and determined that Claimant's net income after all appropriate deductions was \$1,063.00. A four person group size with a net income of \$1,063.00 is entitled to a monthly FAP benefit amount of \$313.00. RFT 260 (December 2013), p. 14. Accordingly, the Department properly calculated Claimant's monthly FAP benefit amount at \$313.00 per month.

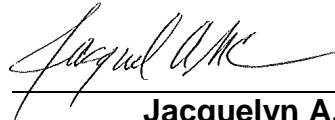
It should be noted that the September 5, 2014 Notice of Case Action only covered the month of September 2014. The Department testified that Claimant received increase in FAP benefits after September 2014 due to changes in her child support payments.

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 Claimant's FAP benefit from September 1, 2014 through September 30, 2014.

DECISION AND ORDER

The Request for Hearing relating to MA benefits is hereby **DISMISSED**.

Accordingly, the Department's decision relating to Claimant's FAP benefits is **AFFIRMED**.



Jacquelyn A. McClinton
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **10/28/2014**

Date Mailed: **10/28/2014**

JAM / cl

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

