

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-015081
Issue No.: 1003
Case No.: [REDACTED]
Hearing Date: December 16, 2014
County: OAKLAND-DISTRICT 3 (SOUTH)

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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, an in person hearing was held on December 16, 2014, from Southfield, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included hearings facilitator [REDACTED]

ISSUE

Did the Department properly determine Claimant's Food Assistance Program 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's Food Assistance Program benefits were reviewed in October 2014.
2. Effective November 1, 2014, Claimant's Food Assistance Program benefits were reduced to \$ [REDACTED] from \$ [REDACTED].
3. Claimant requested hearing on October 14, 2014, contesting the amount of her Food Assistance. Claimant specifically stated "The amount of earned income is wrong, also the amount of rent and utilities as well as trash and sewer are wrong."
4. Claimant's earned employment income is \$ [REDACTED] per month.
5. Claimant has utility expenses for heat, water/sewer and power. October 2014 bills from her apartment complex and DTE were provided that verify this.

6. Claimant provided medical expense information following hearing to MAHS despite having not been requested to do so.
7. Claimant did not raise issues with regard to medical expense in her October 14, 2014, hearing request. Those issues are not addressed in this decision.

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.

Allowable Expenses

Allow the following expenses:

- Heat and Utility Standard, or individual utility standards.
- Utility installation fees charged by the utility provider, excluding deposits.
- Well/septic installation and maintenance. BEM 554

Additionally, Claimant's FAP benefits were reduced from \$█ to \$█ based on newly discovered employment income and a reduction in utility expense because utility expense verifications were allegedly not provided. Claimant provided verifications that she is responsible for heat, water/sewer and electrical service. The Department is required to include utility expense deductions when they are properly verified. BEM 554 In addition, the W-2 information in the Department's exhibits show earned income of \$█ for 2013. Claimant's 2013 tax return shows earned income of \$█ Monthly income based on \$█ would be \$█ The Department's budget shows earned income of \$█ Therefore this Administrative Law Judge finds that the Department's budgeting was incorrect.

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

did not act in accordance with Department policy when it determined Claimant's Food Assistance Program benefits.

DECISION AND ORDER

Accordingly, the Department's decision is

REVERSED.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reprocess Claimant's Food Assistance Program benefits and include Claimant's utility expenses and earned income of \$893 in determining her FAP benefit amount going back to November 1, 2014.
2. Issue a supplement for any increase in benefit going back to November 2014.



Aaron McClintic
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **12/23/2014**

Date Mailed: **12/23/2014**

AM/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 48909-8139

cc:

