

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-001459
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: May 27, 2014
County: WAYNE-DISTRICT 35

ADMINISTRATIVE LAW JUDGE: LYNN M. 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 May 27, 2014, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Hearings Facilitator.

ISSUE

Did the Department properly calculate the Claimant's FAP allotment in the amount of \$115?

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 Department calculated the Claimant's FAP allotment to be [REDACTED]. This calculation did not include any child support expense as none was reported.
2. The Department issued a notice of case action on 4/16/14 decreasing the Claimant FAP allotment.
3. The Claimant requested a hearing on 4/23/14 protesting that her FAP allotment was insufficient to feed her family.

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, in this case the Department presented the FAP budget for the Claimant for May 1, 2014 which reduced the Claimant's FAP benefits. Exhibit 1. The budget was reviewed with the Claimant at the hearing and the Claimant confirmed that her earned income, unearned income from child support were correct, and her group size was 4 persons. As was explained at the hearing, the Claimant was entitled to an earned income deduction of 20% of her earned income which she received in the amount of [REDACTED]. The Claimant also received a standard deduction of \$ [REDACTED] for a group of 4 members. RFT 255 (12/113). Both these deductions reduce the amount of gross income.

At the hearing, the Department advised that the Claimant had received the maximum available for shelter expense. The excess shelter deduction was determined by adding the Claimant's housing expense of [REDACTED] plus the standard utility allowance [REDACTED] given to all FAP recipients which when added together is the total shelter cost of [REDACTED]. Even though a FAP recipient may pay more for utilities than the utility allowance of [REDACTED], that amount is all that is afforded for utilities when calculating FAP benefits. Actual utility expenses are not included. To determine the Shelter deduction, 50% of the adjusted gross income is deducted from the shelter expense of \$ [REDACTED]. In this case, the Claimant's adjusted gross income is [REDACTED]. 50% of [REDACTED] is \$ [REDACTED]. Thus the excess shelter deduction is [REDACTED] 2 rounded up. The amount of [REDACTED] was the amount of the excess shelter deduction used by the Department to determine FAP benefits.

Based upon this review it is determined that the Department corrected reduced the Claimant's FAP benefits and the [REDACTED] FAP allotment as calculated is correct.

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 reduced the Claimant's FAP allotment and when the Department calculated the Claimant FAP benefit allotment in the amount of [REDACTED]

DECISION AND ORDER

Accordingly, the Department's decision is

AFFIRMED.



Lynn M. Ferris

LMF/tm

Dated: May 29, 2014

Mailed: May 29, 2014

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:

