

**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.: 14-001577
Issue No.: 3008
Case No.: ██████████
Hearing Date: June 26, 2014
County: Wayne (49-Grand River/Warren)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 June 26, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant ██████████
████████████████████ Participants on behalf of the Department of Human Services (Department) included ██████████

ISSUE

Did the Department properly calculate Claimant's 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. On April 7, 2014, the Department issued a notice of case action indicating a mandatory group member had been returned to the group and her income was now being included which resulted in a decrease in FAP benefits.
2. On April 28, 2014, Claimant filed a hearing request protesting the Department's intended action.

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 271.1 to 285.5. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10 and Mich Admin Code, R 400.3001 to .3015.

The Department testified that Claimant had filed an application for State Emergency Relief (SER). This application indicated Claimant's daughter was in her home. Claimant's daughter is 16 years old and receives RSDI income in the amount \$586. The Department noted the FAP budget on file did not include Claimant's daughter or her income. The Department completed a new FAP budget and determined Claimant's benefits would decrease.

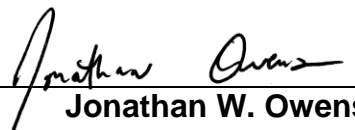
At hearing, Claimant and her representative did not dispute the daughter was in the home or the amount of income associated with Claimant's daughter. Claimant and her representative agreed with the income used by the Department for Claimant and her daughter as well as the household expenses. The issue for Claimant and her representative was the belief the FAP benefit amount should actually be more.

This Administrative Law Judge (ALJ) has reviewed the policies in question and has determined the Department appropriately added the daughter and her income to the FAP budget. The FAP allotment associated with a group size of two and whose net income is \$895 is clearly articulated in RFT 260, p. 12 (December 2013), as \$78 per month. After reviewing the budget presented, this ALJ finds the amount of FAP benefits were properly determined to be \$78 per month.

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 act in accordance with Department policy.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.



Jonathan W. Owens
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **6/30/2014**

Date Mailed: **6/30/2014**

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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: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]