

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-003126
Issue No.: 1000, 3001
Case No.: [REDACTED]
Hearing Date: July 9, 2014
County: Kalamazoo

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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 July 9, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] and [REDACTED]. [REDACTED] acted as an interpreter for the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department properly determine the Claimant's eligibility for Food Assistance Program (FAP) and State Disability Assistance (SDA) 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 18, 2014, the Claimant applied for Food Assistance Program (FAP) benefits.
2. The Claimant receives monthly Supplemental Security Income (SSI) and state SSI benefits in the total gross monthly amount of \$ [REDACTED].
3. On May 15, 2014, the Department approved the Claimant for a \$ [REDACTED] monthly allotment of Food Assistance Program (FAP) benefits as of May 1, 2014.
4. The Department received the Claimant's request for a hearing on May 20, 2014, protesting the Food Assistance Program (FAP) and State Disability Assistance (SDA) programs.

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 Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101 to .3131.

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.

The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to 42 CFR 435, MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

A Family Independence Program (FIP) benefit group must contain a dependent child who lives with a legal parent, stepparent or other qualifying caretaker. Department of Human Services Bridges Eligibility Manual (BEM) 210 (July 1, 2013), p 1.

The Department provided a copy of the Claimant's application for assistance dated April 18, 2014, and there is no evidence on the record to establish that the Claimant applied for Family Independence Program (FIP) or State Disability Assistance (SDA) benefits. Therefore, the Claimant is not entitled to receive these benefits.

The Claimant applied for Food Assistance Program (FAP) benefits as a group of one. The Claimant receives monthly unearned income in the total gross monthly amount of \$█ which represents the sum of his Supplemental Security Income (SSI) benefits and his state SSI benefits. The Claimant's adjusted gross income of \$█ was determined by subtracting the standard \$█ deduction from his total monthly income. The Claimant had reported monthly medical expenses of \$█ but he is only entitled to deduct medical expenses over \$█ from his monthly income. Department of Human Services Bridges Eligibility Manual (BEM) 556 (July 1, 2013), p 4. The Claimant is not entitled to an excess shelter deduction because his monthly shelter expenses are less than 50% of his adjusted gross income.

The Claimant's net income is equal to his adjusted gross income. A group of one with a monthly net income of \$█ is entitled to a monthly Food Assistance Program (FAP) allotment of \$█ which is the amount granted by the Department as of May 1, 2014. Department of Human Services Reference Table Manual (RFT) 260 (December 1, 2013), p 8.

The Claimant is entitled to Food Assistance Program (FAP) benefits as of the date of his application. The Department is required to prorate benefits where the application date falls within the middle of the month but will not issue any benefits where the prorated amount is less than \$ [REDACTED] BEM 556, p 6. In this case, the Claimant is entitled to a monthly allotment of \$ [REDACTED] and based on an application date of April 18, 2014, no prorated benefits were issued for April of 2014.

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 determined the Claimant's Food Assistance Program (FAP) eligibility.

The Claimant provided testimony and a written letter outlining his need for benefits, and his military service in support of democracy and human rights.

Although the Claimant's service is admirable, his request is not within the scope of authority delegated to this Administrative Law Judge. Administrative Law Judges have no authority to overrule statutes, overrule promulgated regulations, or make exceptions to the Department policy set out in the program manuals. Administrative adjudication is an exercise of executive power rather than judicial power, and restricts the granting of equitable remedies. Michigan Mutual Liability Co. v Baker, 295 Mich 237; 294 NW 168 (1940).

The Department's actions with respect to cash assistance and the Food Assistance Program (FAP) are affirmed.

DECISION AND ORDER

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



Kevin Scully
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **7/16/2014**

Date Mailed: **7/16/2014**

KS/las

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:

