

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

**IN THE MATTER OF:**

████████████████████  
██  
████████████████████

Reg. No.: 14-003722  
Issue No.: 3008  
Case No.: ██████████  
Hearing Date: July 3, 2014  
County: Kalamazoo

**ADMINISTRATIVE LAW JUDGE:** C. Adam Purnell

**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 3, 2014 from Lansing, Michigan. Participants on behalf of Claimant included ██████████ (Claimant's Authorized Hearing Representative (AHR)) and ██████████ (Claimant). Participants on behalf of the Department of Human Services (Department) included ██████████ ██████████ (Family Independence Specialist).

**ISSUE**

Did the Department properly determine Claimant's Food Assistance Program (FAP) monthly allotment amount?

**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 has a household of 3 which included herself and her two children.
2. Claimant was active for FAP with a FAP group size of 2<sup>1</sup> and a monthly allotment of ██████████.
3. Claimant's FAP case was scheduled for redetermination in March, 2014.
4. On March 13, 2014, the Department mailed Claimant a Notice of Case Action (DHS-1605) which reduced Claimant's FAP group size to 1 and approved Claimant's monthly FAP amount at ██████████ effective March 1, 2014.

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<sup>1</sup> One of Claimant's children (her son) was reportedly an ineligible student at the time.

5. On April 25, 2014, the Department mailed Claimant a Notice of Case Action (DHS-1605) which increased Claimant's FAP group size to 2 and approved Claimant's monthly FAP allotment for [REDACTED] effective April 1, 2014. The notice also indicated that the FAP reduction was due to the amount of earned income budgeted from Claimant's daughter, who was reportedly a full-time student at the time.
6. On May 30, 2014, the Department received a request for hearing, which was prepared by Claimant's AHR, to challenge the FAP allotment amount.

### **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.

In the instant matter, the Department representative and Claimant's AHR did not disagree about the salient facts. The Department representative testified that the Department erred when it calculated the earned income from Claimant's daughter for the month of May, 2014. According to the Department representative, the Department failed to use actual check stubs when the earned income was determined. Accordingly, the Department proposed to correct the error. Claimant's AHR understood the Department's position and agreed to the Department's offer.

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 monthly FAP allotment effective May 1, 2014.

**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. The Department shall redetermine Claimant's FAP eligibility and monthly FAP allotment amount back to May 1, 2014.
2. The Department shall determine and budget Claimant's total household countable monthly earned income amount using actual paystubs from April, 2014.
3. To the extent required by policy, the Department shall provide Claimant with retroactive and/or supplemental FAP benefits.

IT IS SO ORDERED.



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C. Adam Purnell  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: **7/3/2014**

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

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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;

