

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 14-004605
Issue No.: 3001
Case No.: ██████████
Hearing Date: July 17, 2014
County: WAYNE (49)

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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 17, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ ██████████, Family Independence Manager, and ██████████, Assistance Payments Worker.

ISSUE

Did the Department properly calculate Claimant's Food Assistance Program (FAP) benefits for effective June 1, 2014?

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 is an ongoing FAP recipient.
2. On April 25, 2014, Claimant reported a change in shelter expenses and provided a receipt of payment.
3. The Department recalculated Claimant's eligibility effective June 1, 2014; however, it failed to include the change in shelter expense.
4. On May 27, 2014, Claimant reported a reduction in her unearned income.
5. The Department recalculated Claimant's eligibility for FAP benefits effective July 1, 2014 which also included the correct shelter expense and determined that Claimant was eligible for \$189.00 per month in FAP benefits effective July 1, 2014.

6. On June 10, 2014, Claimant filed a Request for Hearing disputing the Department's actions.

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, all countable earned and unearned income available to the client must be considered in determining the Claimant's eligibility for program benefits. BEM 500 (January 2014), pp. 1 – 4.

On April 25, 2014, Claimant reported a change in shelter expenses and provided a receipt of payment. The Department testified that as a result of the reported change, it recalculated Claimant's eligibility effective June 1, 2014. The Department acknowledged at the hearing that although the change in shelter expense had been put into its computer system, the budget that was generated relating to Claimant's June 2014 benefits did not include the shelter expense change. As a result, Claimant received \$15.00 in FAP benefits for June 2014. The Department conceded that Claimant would have likely received more than \$15.00 in FAP benefits for June 2014 had the shelter expense been properly calculated.

On May 27, 2014, Claimant reported a reduction in her unearned income. Accordingly, the Department recalculated Claimant's eligibility for FAP benefits effective July 1, 2014. The budget relating to Claimant's July 2014 benefits ongoing included both the reduction in unearned income and the change in shelter expense. The Notice of Case Action sent to Claimant on June 5, 2014 notified Claimant that her FAP benefits would increase to \$189.00 monthly effective July 1, 2014. Claimant indicated that she had no issue with her FAP benefits effective July 1, 2014, ongoing.

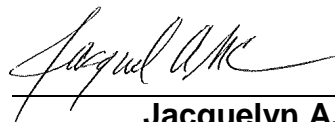
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it failed to include Claimant's change in shelter expense in the calculation of eligibility effective June 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. Recalculate Claimant's FAP benefits effective June 1, 2014;
2. Issue supplements to Claimant for any FAP benefits that she was entitled to receive but did not effective June 1, 2014; and
3. Notify Claimant of its decision in writing.



Jacquelyn A. McClinton
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **7/23/2014**

Date Mailed: **7/23/2014**

JAM/cl

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]
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