

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

IN THE MATTER OF:



Reg. No.: 14-006110
Issue No.: 3001, 3008
Case No.: [REDACTED]
Hearing Date: August 5, 2014
County: Clinton

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 August 5, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department properly close the 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. The Claimant was an ongoing Food Assistance Program (FAP) recipient.
2. The Claimant receives monthly Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of \$ [REDACTED].
3. The Claimant receives monthly pension income in the gross monthly amount of \$ [REDACTED].
4. On June 13, 2014, the Department notified the Claimant that it would close his Food Assistance Program (FAP) benefits as of July 1, 2014.
5. On June 22, 2014, the Department received the Claimant's request for a hearing, protesting the closure of his Food Assistance Program (FAP) benefits.

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.

All earned and unearned income available to the Claimant is countable. Earned income means income received from another person or organization or from self-employment for duties that were performed for compensation or profit. Unearned income means all income that is not earned, including but not limited to funds received from the Family Independence Program (FIP), State Disability Assistance (SDA), Child Development and Care (CDC), Medicaid (MA), Social Security Benefits (RSDI/SSI), Veterans Administration (VA), Unemployment Compensation Benefits (UCB), Adult Medical Program (AMA), alimony, and child support payments. The amount counted may be more than the client actually receives because the gross amount is used prior to any deductions. Department of Human Services Bridges Eligibility Manual (BEM) 500 (July 1, 2013).

The Claimant was an ongoing Food Assistance Program (FAP) recipient as a group of three when the Department conducted a routine redetermination of his eligibility to receive continued benefits in June of 2014. The Claimant received gross monthly earnings totaling \$ [REDACTED]. This was determined by adding his monthly Retirement, Survivors, and Disability Insurance (RSDI) benefits in the gross monthly amount of \$ [REDACTED] to his monthly pension income in the gross monthly amount of \$ [REDACTED].

Disabled recipients of Food Assistance Program (FAP) benefits are eligible to deduct medical expenses from their monthly income. The Claimant provided verification of medical expenses totaling \$ [REDACTED] with one reported expense that was not verified. The Claimant's adjusted gross income of \$ [REDACTED] was determined by subtracting verified medical expenses over \$ [REDACTED] and the standard \$ [REDACTED] deduction from his total monthly income.

The Claimant is entitled to an excess shelter deduction of \$ [REDACTED] which was determined by adding his monthly shelter expenses of \$ [REDACTED] to the standard heat and utility deduction of \$ [REDACTED] and subtracting 50% of his adjusted gross income.

The Claimant's net income of \$ [REDACTED] was determined by subtracting the Claimant's excess shelter deduction from his adjusted gross income. A group of three with a net income of \$ [REDACTED] is not eligible for Food Assistance Program (FAP) benefits.

The Claimant argued that he has other out of pocket medical expenses the Department did not use when determining his Food Assistance Program (FAP) eligibility, but failed

to establish that he provided the Department with verification of these one-time expenses.

The Claimant argued that he has another dependent child living in his home that was not accounted for by the Department.

FAP group composition is established by determining who lives together, the relationship of the people who live together, whether the people living together purchase and prepare food together or separately, and whether the persons resides in an eligible living situation. A person is considered the primary caretaker of a minor child if the child sleeps in the client's home more than 50% of the nights on average each month. Department of Human Services Bridges Eligibility Manual (BEM) 212 (November 1, 2012).


In this case, the Claimant did not report that another minor child was living in his home. The Claimant submitted a Redetermination (DHS-1010) form dated June 4, 2014, that he purchases and prepares food with two other people in his household.

The Claimant testified that his shelter expenses increased in August of 2014, but this went into effect after his benefits were already closed.

This Administrative Law Judge finds that the Department was acting in accordance with policy when it determined the Claimant's Food Assistance Program (FAP) eligibility based on the information he provided during the eligibility redetermination process. 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 closed the Claimant's Food Assistance Program (FAP) benefits.

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: **8/8/2014**

Date Mailed: **8/8/2014**

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:

