

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-006336
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: July 31, 2014
County: WAYNE-19 (INKSTER)

ADMINISTRATIVE LAW JUDGE: LYNN M. FERRIS

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 31, 2014, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant, [REDACTED], an interpreter, also appeared on behalf of the Claimant to provide interpreter services. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Path Case Manager.

ISSUE

Did the Department properly reduce the Claimant's Food Assistance 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 recipient of Food Assistance Benefits.
2. One of the Claimant's FAP group members, his daughter, was removed as a FAP group member as she was a full-time student and was not working.
3. The Department issued a Notice of Case action on June 20, 2014, reducing the Claimant's FAP benefits to [REDACTED] due to the Department's failure to include unearned income received by the Claimant for FIP Cash Assistance in the amount of [REDACTED] Exhibit 1
4. In computing the FAP benefits, the Department used a decreased rent of \$ [REDACTED] and group size of 5. Exhibit 4

5. The Claimant requested a hearing on July 7, 2014, protesting the reduction of the 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.

Additionally, at the hearing the Food Assistance budget was reviewed with the Claimant and his interpreter. The FAP benefits were reduced due to three changes made by the Department; the rent was reduced from [REDACTED] monthly, the Claimant's daughter was removed as a group member as she was an ineligible student and she was not working part time (20) hours per week, and the prior FAP budget did not include the FIP cash assistance received by Claimant as unearned income in the FAP budget calculation. The Claimant confirmed the rent reduction and his daughter's student status, and that she was not working, and also confirmed that he was receiving SSI in the amount [REDACTED]. The Department also correctly included a utility allowance of [REDACTED]. Based upon all of the facts and amount of FIP and SSI, as well as rent reduction and the correct group size, the Department correctly calculated the FAP benefits in accordance with Department policy.

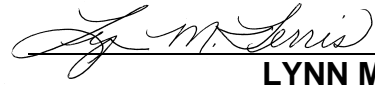
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department

acted in accordance with Department policy when it reduced the Claimant's Food Assistance to [REDACTED] monthly.

DECISION AND ORDER

Accordingly, the Department's decision is

AFFIRMED.


LYNN M. FERRIS
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 6, 2014

Date Mailed: August 7, 2014

LMF/tm

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:

