

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-006447
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: September 3, 2014
County: Ingham

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

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, an in-person hearing was held on September 03, 2014, from Lansing, Michigan. Participants on behalf of Claimant included his ex-wife, [REDACTED]. Participants on behalf of the Department of Human Services (Department) included Eligibility Specialist [REDACTED].

ISSUE

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

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 June 10, 2014, the Department received Claimant's redetermination for FAP benefits.
2. On June 19, 2014, the Department sent Claimant a Notice of Case Action indicated Claimant was approved for \$ [REDACTED] in FAP benefits.
3. On June 26, 2014, the Department spoke with Claimant, addressing his concerns over the decrease in his FAP benefits. During the conversation, the Department found Child Support had not been factored in.
4. On June 26, 2014, the Department issued Claimant a new Notice of Case Action, listing Child Support, which increased Claimant's FAP benefit to \$ [REDACTED] a month.
5. On July 1, 2014, Claimant filed a hearing request, protesting 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), and Department of Human Services Reference Tables Manual (RFT).

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 271.1 to 285.5. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10 and Mich Admin Code, R 400.3001 to .3015.

During the hearing, Claimant testified that he was confused as to why his FAP benefits were continually changing and asked that somebody please explain it to him.

Claimant was receiving monthly unearned income in the amount of \$ [REDACTED] at the time relevant to this matter. The Department determines a FAP group's net income by deducting certain allowable expenses. These expenses include dependent care expenses, child support expenses and shelter expenses. BEM 554. Therefore, Claimant's group received a total monthly income of \$ [REDACTED] which is reduced by a standard deduction of \$ [REDACTED] and child support of \$ [REDACTED] which leaves an adjusted gross income of \$ [REDACTED]

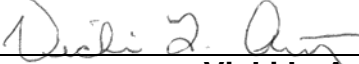
Claimant's total shelter expense was properly determined to be \$ [REDACTED]. Pursuant to departmental policy, 50% of \$ [REDACTED] Claimant's adjusted gross income, must be deducted from her total shelter. ($\$ [REDACTED] \times 50\% = \$ [REDACTED]$). Since Claimant's total shelter expense of \$ [REDACTED] is more than 50% of the adjusted gross income of his FAP group, Claimant had an excess shelter expense of \$ [REDACTED] ($\$ [REDACTED]$ and $\$ [REDACTED]$). The Department is required to deduct any excess shelter expense from Claimant's adjusted gross income of \$ [REDACTED] resulting in net income of \$ [REDACTED]. BEM 556.

A client with a group size of one and a net income of \$ [REDACTED] is entitled to a FAP allotment of \$ [REDACTED] which is the amount of FAP benefits granted to the Claimant for this period. RFT 260. Based on the evidence and testimony available during the hearing, the Department properly established Claimant is receiving the proper amount of FAP benefits.

The Administrative Law Judge, based upon 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 increased Claimant's FAP allotment to \$ [REDACTED]

DECISION AND ORDER

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



Vicki L. Armstrong
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **9/5/2014**

Date Mailed: **9/5/2014**

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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;
- 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:

