

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

IN THE MATTER OF:

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

Reg. No.: 14 007666
Issue No(s): 3001, 5000
Case No.: ██████████
Hearing Date: August 25, 2014
County: Wayne (17)

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 August 25, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, Eligibility Specialist.

ISSUE

Did the Department properly determine Claimant's eligibility for 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. On May 23, 2014, Claimant applied for FAP benefits.
2. On June 6, 2014, an in person interview was conducted.
3. Claimant has unearned income from the Social Security Administration.
4. On June 11, 2014, the Department sent Claimant a Notice of Case Action notifying him that he was eligible to receive \$19.00 monthly in FAP benefits effective June 1, 2014.

5. On July 21, 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.

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Family Independence Agency) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001 through R 400.7049.

On July 21, 2014, Claimant filed a Request for Hearing disputing the Department's actions. Claimant checked the boxes correlating to both Food Assistance Program benefits and State Emergency Relief (SER) benefits. Claimant acknowledged that he had not previously applied for SER benefits. Therefore, Claimant's Request for Hearing as it relates to SER benefits is dismissed as there is no issue to resolve.

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.

In this case, the Claimant requested a hearing because he believed that his FAP benefits had not been properly calculated as he had previously received \$133.00 per month and that amount was now reduced to \$19.00 per month. Claimant failed to submit a Redetermination and as a result, his FAP case closed effective January 31, 2014. Claimant did not appeal the closure of his case but instead reapplied for FAP benefits on May 23, 2014.

The Department testified that when Claimant reapplied for benefits, he indicated that he received income from the Social Security Administration and that he paid \$180.00 in rent which included his heat expense. The Department obtained information from the Social Security Administration which showed that Claimant received \$493.00 in RSDI income and \$248.00 in SSI income. The Department further stated that Claimant received \$42.00 in Supplemental State Assistance, which it calculates as \$14.00

monthly when determining eligibility for FAP benefits. Accordingly, Claimant's total unearned income is \$755.00. Claimant does not have any earned income.

The Department presented a FAP net income budget showing Claimant's gross income as \$755.00. Claimant confirmed that he has a group size of one. Based on Claimant's circumstances, he was eligible for the following deductions from his gross income under Department policy:

- a standard deduction of \$151 based on his one-person group size RFT 255 (December 2013), p. 1; BEM 556, (July 2013) p. 3; and
- an excess shelter deduction of \$39.00 which is based on monthly housing expense of \$180.00, a non-heat electric standard of \$127.00, and a telephone standard of \$34.00. RFT, p. 1.

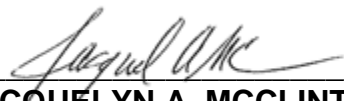
Using a gross monthly income amount of \$755.00 and taking the appropriate deductions, Claimant's monthly net income amount is \$565.00. Based on the information available to the Department at the time the Redetermination was submitted, it properly determined that Claimant was entitled to a FAP benefit amount of \$19.00 per month.

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 policy when it determined that Claimant was eligible for FAP benefits in the amount of \$19.00 per month.

DECISION AND ORDER

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

Further, Claimant's Request for Hearing relating to SER benefits is hereby **DISMISSED**.


JACQUELYN A. MCCLINTON
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: September 2, 2014

Date Mailed: September 2, 2014

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides or has its principal place of business in the State, 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

JAM/cl

cc:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]