

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

IN THE MATTER OF:

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Reg. No.: 14-007948
Issue No.: 3008
Case No.: ██████████
Hearing Date: September 4, 2014
County: Oakland (02-Madison Hts)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 4, 2014, from Madison Heights, Michigan. Participants on behalf of Claimant included Claimant ██████████

████████████████████ Participants on behalf of the Department of Human Services (Department) included ██████████ ██████████ ██████████ ██████████

ISSUE

Did the Department properly determine 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. On May 8, 2014, Claimant submitted a new application requesting FAP, Child Development and Care (CDC) benefits and Medical Assistance (MA).
2. The Department completed a telephone interview on May 12, 2014.
3. The Department opened MA coverage, denied CDC benefits and determined FAP benefits in the amount of \$68.
4. On July 21, 2014, Claimant requested a hearing regarding the amount of her FAP benefits. No other program was disputed on the hearing request.

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 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.


In the present case, Claimant requested a hearing to dispute the amount of her FAP benefits. The Department presented a copy of the budget utilized to determine Claimant's FAP benefits. The Department determined that Claimant had monthly earnings in the amount of \$1,722. This was based on the two checks she submitted to the Department. The first check was for March 24, 2014, through April 6, 2014, and indicated a gross income of \$793.37. The second check was for April 21, 2014, through May 4, 2014, and indicated a gross income of \$808.49. The Department realized a check was missing between the two checks submitted by Claimant. The Department utilized the gross year-to-date totals from both checks to determine that the missing check amount was \$808.39. The Department utilized these three amounts to determine that the prospective monthly gross earnings for Claimant were \$1,722. After reviewing the evidence submitted, this Administrative Law Judge finds this amount to be correct.

The Administrative Law judge reviewed the remainder of the FAP budget in question. The Department correctly determined all allowable deductions from earnings as well as included the undisputed housing costs. The budget was properly based upon a group size of two. The Department correctly determined that Claimant was eligible for \$68 per month in FAP benefits.

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 determined Claimant's FAP benefits.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.



Jonathan W. Owens
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **9/10/2014**

Date Mailed: **9/10/2014**

JWO / pf

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]
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[REDACTED]