

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-009823
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: September 16, 2014
County: Ingham

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 September 16, 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 determine the Claimant's allotment of 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 is an ongoing Food Assistance Program (FAP) recipient.
2. On July 9, 2014, the Claimant provided three medical receipts to the Department.
3. On July 10, 2014, the Department notified the Claimant that he was approved for Food Assistance Program (FAP) with a \$ [REDACTED] monthly allotment effective August 1, 2014.
4. On August 7, 2014, the Department notified the Claimant that he was approved for Food Assistance Program (FAP) with a \$ [REDACTED] monthly allotment effective September 1, 2014.
5. On August 14, 2014, the Department received the Claimant's request for a hearing, protesting the amount of his Food Assistance Program (FAP) allotment.

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 Department uses certain expenses to determine net income for Food Assistance Program (FAP) eligibility and benefit levels. Expenses are used from the same calendar month as the month for which benefits are being determined. Department of Human Services Bridges Eligibility Manual (BEM) 554 (October 1, 2014), pp 1-30.

Food Assistance Program (FAP) groups that have 24-month benefit periods must be given the following options for one-time-only medical expenses billed or due within the first 12 months of the benefit period:

1. Budget it for one month.
2. Average it over the remainder of the first 12 months of the benefit period.
3. Average it over the remainder of the 24-month benefit period. BEM 554, p 9.

The Claimant was an ongoing Food Assistance Program (FAP) recipient as a disabled group of one. On July 9, 2014, he reported some medical expenses to the Department. On July 10, 2014, the Department notified the Claimant that he was approved for Food Assistance Program (FAP) with a \$[REDACTED] monthly allotment. On August 7, 2014, the Department notified the Claimant that he was approved for Food Assistance Program (FAP) with a \$[REDACTED] monthly allotment.

The Department applied one-time expenses of \$[REDACTED] and \$[REDACTED] towards the Claimant's Food Assistance Program (FAP) budget, and excluded a \$[REDACTED] expense.

The Claimant incurred a \$[REDACTED] medical expense on February 12, 2014, but did not report this expense to the Department until July 9, 2014. This expense was reduced by \$[REDACTED] as a Medicare write off, leaving a \$[REDACTED] expense. On July 9, 2014, when the Claimant reported the expense, he had already paid the expense except for the final payment of \$[REDACTED].

This Administrative Law Judge finds that if the Claimant had reported the expense on February 12, 2014, the Department could have applied it in that month, or averaged it over his benefit period. The Department did apply his entire final payment of \$[REDACTED] towards his FAP eligibility when reported, and this Administrative Law Judge finds that the Department gave him the most beneficial use of his expense.

The Department also applied a \$ [REDACTED] expense reported on July 9, 2014, as a one-time expense. Medical expenses of disabled that exceed \$ [REDACTED] are used to determine the benefit amount of disabled Food Assistance Program (FAP) recipients. The Department's budget indicates that the Department did allow these expense when determining his August benefits by including a \$ [REDACTED] medical deduction (rounding up to the nearest dollar: \$ [REDACTED] + \$ [REDACTED] - \$ [REDACTED] = \$ [REDACTED])


The Department did not include a \$ [REDACTED] expense reported on July 9, 2014, when determining his Food Assistance Program (FAP) benefits. The receipt submitted by the Claimant shows that he made a \$ [REDACTED] payment on February 12, 2014. Department policy allows expenses to be used from the same calendar month as the month for which benefits are being determined. This February expense that was reported in July could not be used towards the Claimant's August benefits.

The Claimant did not dispute the determination of his monthly income, or other allowable expenses and credits used to determine his Food Assistance Program (FAP) eligibility.

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 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: **9/19/2014**

Date Mailed: **9/19/2014**

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:

