

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-012726
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: October 27, 2014
County: WAYNE-57 (CONNER)

ADMINISTRATIVE LAW JUDGE: Lynn 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 October 27, 2014, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Eligibility Specialist, and [REDACTED], Family Independence Manager.

ISSUE

Did the Department properly determine the Claimant's Food Assistance (FAP) monthly allotment?

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 July 29, 2014, the Claimant applied for food assistance.
2. After reviewing the application, the Department determined the Claimant was eligible for \$ [REDACTED] a month in food assistance.
3. At the hearing, the Claimant agreed that her unearned income consisted of [REDACTED] per month, and that she had a [REDACTED] per month housing expense, which included all utilities. The Department also authorized a [REDACTED] telephone allowance. The Claimant is also disabled. Exhibits 2 and 3.

4. The Department issued a notice of case action on August 13, 2014, approving the Claimant effective August 1, 2014 for food assistance, in the amount of [REDACTED] per month. Exhibit 1
5. The Claimant requested a hearing on September 25, 2014 regarding the amount of her food assistance 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.

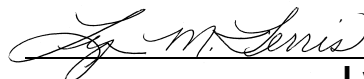
Additionally, the issue in this case is whether the Department properly calculated the Claimant's monthly food assistance allotment. The Claimant's food assistance budget was reviewed and it was determined that the Department properly determined the adjusted gross income was [REDACTED] based on a standard deduction taken from her monthly earned income. The Claimant's monthly unearned income was [REDACTED] and the standard monthly deduction was \$151, leaving an adjusted gross income of [REDACTED]

A review of the Claimant's excess shelter deduction was also conducted. Exhibit 3. The Claimant pays rent of [REDACTED] per month, which includes all utilities. Therefore, the Department correctly provided no utility allowance other than for the Claimant's telephone in the amount of [REDACTED]. In order to determine the excess shelter deduction, one half of the adjusted gross income or [REDACTED] is deducted from [REDACTED] the Claimant's total shelter costs. Because the Claimant's adjusted gross income is more than her total shelter amount, she is not entitled to an excess shelter deduction. Lastly, consulting RFT260, a chart which determines based on your net income the amount of your food assistance benefits, an individual receiving [REDACTED] monthly is entitled to food assistance of \$ [REDACTED] RFT 260 (December 1, 2013), pp. 8.

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 calculated the Claimant's food assistance allowance to be [REDACTED] per month.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.



Lynn Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **10/28/2014**

Date Mailed: **10/28/2014**

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:

