

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-014559
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: November 26, 2014
County: Macomb-District 20

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 on November 26, 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 Food Assistance Program (FAP) eligibility?

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 as a group of two.
2. On October 1, 2014, the Department notified the Claimant that it would reduce her monthly allotment of Food Assistance Program (FAP) benefits to \$ [REDACTED] effective November 1, 2014.
3. On October 16, 2014, the Department received the Claimant's request for a hearing protesting the reduction of her Food Assistance Program (FAP) benefits.

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. The Department will allow a shelter expense when the FAP group has a shelter expense or contributes to the shelter expense. The Department will not prorate the shelter expense even if the expense is shared. Verify shelter expenses at application and when a change is reported. If the client fails to verify a reported change in shelter, the Department will remove the old expense until the new expense is verified. Food Assistance Program (FAP) are not automatically allowed the heat and utility standard. For all FAP groups that received the heat and utility standard on or before February 7, 2014, the heat and utility standard will remain in place for a period of five months after the month of their first redetermination or first reported case change occurring on or after May 1, 2014. Department of Human Services Bridges Eligibility Manual (BEM) 554 (October 1, 2014), pp 1-30.

The Department will consider only the medical expenses of senior/disabled/veteran persons in the eligible FAP group. BEM 554, p8.

In this case, the Claimant is an ongoing Food Assistance Program (FAP) as a group of two. The Claimant notified the Department that she had moved and had moved in with another person. No evidence was presented on the record that the Claimant reported on obligation for monthly housing or utility expenses. Therefore, the Department removed these expenses from her Food Assistance Program (FAP) budget. As a result of these expenses being credited against her monthly income, the Claimant's monthly allotment of Food Assistance Program (FAP) benefits was reduced to \$ [REDACTED] effective November 1, 2014.

The Claimant did not dispute the Department's determination of her Food Assistance Program (FAP) eligibility but requested a more thorough explanation than she was able to receive from her caseworker.


The Claimant receives income the gross monthly amount of \$ [REDACTED] an amount not disputed by the Claimant. The Claimant's adjusted gross income of \$ [REDACTED] was determined by subtracting her total income by the \$ [REDACTED] standard deduction. This amount could be reduced by verified medical expenses and verified child care expenses but none were reported to the Department. The Claimant's excess shelter deduction is determined by adding her monthly housing obligation to her allowable heat or other utilities deductions, then subtracting 50% of her adjusted gross income. In this case, no obligations for heat, cooling, electricity, or telephone were reported to the Department, and no excess shelter deduction was applied to her FAP eligibility. Therefore, the Claimant's net income is the same as the adjusted gross income.

A group of two with a net income of \$ [REDACTED] is entitled to a monthly allotment of Food Assistance Program (FAP) benefits in the amount of \$ [REDACTED]

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 eligibility for the Food Assistance Program (FAP).

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: **12/1/2014**

Date Mailed: **12/1/2014**

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:

