

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-017602
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: January 13, 2015
County: Macomb-District 20

ADMINISTRATIVE LAW JUDGE: Darryl Johnson

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 January 13, 2015, from Lansing, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included Hearings Facilitator [REDACTED]

ISSUE

Due to excess income, did the Department properly close Claimant's case 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. Claimant received FAP benefits.
2. On October 24, 2014, the Department closed Claimant's case due to excess income.
3. On October 24, 2014, the Department sent Claimant its decision.
4. On December 4, 2014, Claimant filed a hearing request, protesting 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), and Department of Human Services Reference Tables Manual (RFT).

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.

Claimant receives RSDI of \$ [REDACTED] per month. Two of her children each receive \$ [REDACTED] per month for RSDI. Another son receives \$ [REDACTED] per month in SSI. A daughter was working at [REDACTED] until September 22, 2014. She had been earning an average of \$ [REDACTED] per month at that job. That daughter also started a job at [REDACTED] on [REDACTED]. She provided a copy of a compensation report (Exhibit 1 Page 23) which showed gross earnings of \$ [REDACTED] for the week ending [REDACTED]. The Department sent Claimant a verification checklist (VCL) on October 2, 2014, requiring her to verify the daughter's wages at [REDACTED]. See Exhibit 1 Page 24. The Department also received verification from [REDACTED] that her job had ended there on [REDACTED], with her last paycheck issued [REDACTED].

For the benefit period of July 2014, the Department had counted \$ [REDACTED] in earned income for the FAP budget. (Exhibit 1 Page 8.) It also counted \$ [REDACTED] of unearned income. That is an accurate reflection of the household's RSDI and SSI income. For the benefit period beginning December 1, 2014, it counted \$ [REDACTED] in unearned income. It also counted \$ [REDACTED] in earned income. (Exhibit 1 Page 31.) The Department uses multipliers to convert weekly, bi-weekly, and semi-monthly income, to monthly amounts.¹ Using the multiplier of 4.3 to convert the daughter's weekly income of \$ [REDACTED] to a monthly amount, the group had earned income of \$ [REDACTED] per month that was verified. That is the amount that it used in determining her FAP budget.

There was evidence presented that the daughter lost her job at [REDACTED] on November 3, 2014. That would affect the group's FAP budget, but because it did not happen until after the Department calculated the FAP budget as reflected in the October 24, 2014 Notice of Case Action (Exhibit 1 Pages 35-36) the Department correctly relied upon that income.

¹ Per BEM 505, "A standard monthly amount must be determined for each income source used in the budget." "Convert stable and fluctuating income that is received more often than monthly to a standard monthly amount. Use one of the following methods:

"Multiply weekly income by 4.3.

"Multiply amounts received every two weeks by 2.15.

"Add amounts received twice a month."

The Administrative Law Judge, based upon 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 closed Claimant's FAP due to excess income.

DECISION AND ORDER

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



Darryl Johnson
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **1/14/2015**

Date Mailed: **1/14/2015**

DJ/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 48909-8139

cc:

