

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 2014 17363
Issue No(s): 3001
Case No.: ██████████
Hearing Date: March 24, 2014
County: Oakland (03)

ADMINISTRATIVE LAW JUDGE: Lynn M. 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, an in person hearing was held on March 24, 2014, from Walled Lake, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ ██████████, Eligibility Specialist, and ██████████, Assistance Payments Supervisor.

ISSUE

Due to excess income, did the Department properly deny the Claimant's application close Claimant's case reduce Claimant's benefits for:
 Food Assistance Program (FAP)?

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 applied for Food Assistance (FAP) and began receiving \$200 monthly beginning August 2013.
2. The Claimant submitted medical bills (\$926.00) with her original FAP application which were included in the Claimant's August FAP budget as medical expenses.
3. The Claimant did not provide additional medical bills after the August 2013 first submission.

4. Based upon the initial medical bill submission, the Department recalculated the Food Assistance for September 2013 and included only those expenses that were ongoing.
5. On September 14, 2013 the Department sent a Notice of Case Action to the Claimant which closed Claimant's Food Assistance due to excess income. The Department closed the Food Assistance effective October 1, 2013. Exhibit 2
6. The Claimant requested a hearing on December 12, 2013 protesting the closure of her Food Assistance Case.

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 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.

Additionally, in this case the Department closed the Claimant's food assistance case due to excess income. At the time the FAP benefits were closed the Claimant's net income exceeded the income limit of \$958. Exhibit 2. The Claimant's income in September 2013 from RSDI benefits was \$1727. The Department at that time had not received any new medical expenses from the Claimant and thus reviewed the original medical expenses submitted in August by Claimant with her application, and determined which medical expenses were ongoing.

A review of the FAP budget for September 2013 demonstrated that the Department correctly included most, but not all, ongoing prescriptions, but did include the Medicare Part B premium in the amount of \$104.90 and an additional \$34 in ongoing prescription costs for a total medical deduction of \$138. Exhibit 4. The Claimant also confirmed that the income \$1,727 used by the Department at the time to calculate her FAP benefits was correct. A review of the prescription costs indicated that the Department had not included additional prescription costs amounting to an additional \$50. However, even including these costs would not have changed the ultimate outcome which resulted in the closure of the Claimant's FAP case, as the Claimant's total monthly income after deduction of shelter expenses, and medical expense was still \$1087 and thus exceeded the income limit of \$958 for a FAP group of one person. RFT 260, and BEM 554, (7/1/13) and Exhibit 2.

Based upon a review of the FAP budget as prepared by the Department it is determined that the Department properly closed the Claimant's FAP case as her net income of

\$1087 exceeded the income limit of \$958, the maximum income that one person can receive and still be eligible to receive FAP benefits.

As stated at the hearing, the Claimant may reapply for FAP benefits at any time and may provide the Department ongoing medical expenses so that they may be considered in calculating Food Assistance.

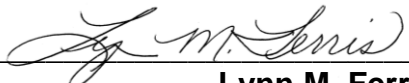
The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department

acted in accordance with Department policy when it closed the Claimant's Food Assistance Case due to income exceeding the FAP net income limit.

DECISION AND ORDER

Accordingly, the Department's decision is

AFFIRMED.


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

Date Signed: April 1, 2014

Date Mailed: April 1, 2014

NOTICE OF APPEAL: The claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely Request for Rehearing or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

Michigan Administrative Hearing System (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request (60 days for FAP cases).

A Request for Rehearing or Reconsideration may be granted 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.

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The Department, AHR or the claimant 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 the hearing decision is mailed.

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

LMF/cl

cc:

[REDACTED]
[REDACTED]
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