

(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 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.

The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

A request for hearing must be in writing and signed by the claimant, petitioner, or authorized representative. Rule 400.904(1). Moreover, BAM 600, p. 5 (July 2013), provides in relevant part as follows:

The client or authorized hearing representative has *90 calendar days from the date of the written notice of case action to request a hearing*. The request must be received anywhere in DHS within the 90 days. [Emphasis added.]

In the instant case, Claimant filed a hearing request on December 18, 2013, to dispute the amount of SDA and FAP benefits. Claimant testified she believed the Department is not giving her the correct amount in benefits for either of the programs. Claimant wanted to dispute FAP benefits back to 2011. This Administrative Law Judge (ALJ) advised Claimant that the authority of the ALJ does not extend beyond 90 days from the date the Department issues a notice of case action.

The Department issued a case action notice on December 7, 2013, regarding a reduction in FAP benefits beginning January 2014. The Department testified the change in FAP benefits was the result in a slight increase in RSDI income being received in Claimant's household. The Department presented the prior budget which indicated a total household income of \$1,277 a month. This income, according to the Department, was made up of SSI income, RSDI income, SDA benefits and child support. The new budget beginning January 2014 increased the total household income to \$1,280. This amount was again made up of the SSI income, RSDI income, SDA benefits and child support. During the hearing, Claimant confirmed the \$158 SSI, \$575 RSDI, \$200 SDA and \$350 child support. Claimant did not dispute the income as calculated by the Department. Claimant did not dispute the amount of housing expenses provided by the Department.

According to BEM 550, p. 1 (July 2013), the Department calculates income by using available, countable income to determine eligibility. The Department always calculates income on a calendar month basis to determine eligibility and benefit amounts. The

Department budgets the entire amount of earned and unearned countable income. Gross countable earned income is reduced by a 20% earned income deduction. Every case is allowed the standard deduction shown in RFT 255. BEM 554, p. 1 (July 2013), provides the FAP allowable expenses.


At hearing, the Department presented an SDA budget for Claimant. This budget reflected no income for Claimant. This budget indicated Claimant was receiving the maximum benefit of \$200 a month. The Department testified that Claimant has been receiving the maximum benefit amount and that no change had been made to Claimant's SDA benefit.

According to the Department policy located in RFT 225, p. 1 (December 2013), the maximum benefit amount for an individual is \$200 a month. Those receiving benefits prior to September 30, 2011, would have received \$269 a month. All applications following October 1, 2011, were granted a maximum benefit of \$200 a month.

After reviewing the evidence and testimony presented, this ALJ finds Claimant is receiving the correct benefit amount for both the FAP and SDA programs.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.



Jonathan W. Owens
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 24, 2014

Date Mailed: March 24, 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.

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

JWO/pf

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]