

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

IN THE MATTER OF:



Reg. No.: 201422837
Issue No.: 3001; 5000
Case No.: [REDACTED]
Hearing Date: February 12, 2014
County: Macomb (20)

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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, telephone hearing was held on Wednesday, February 12, 2014, from Lansing, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], ES.

ISSUE

Due to changes in federal FAP annual standards and an increase in income, did the Department properly reduce Claimant's benefits for the Food Assistance Program (FAP)?

Did the Department properly process Claimant's request for State Emergency Relief (SER) assistance?

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 January 2, 2014, the Department reduced Claimant's benefits due to changes in federal FAP annual standards and an increase in income.
3. On January 2, 2014, the Department sent Claimant notice of its decision.

4. On January 13, 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 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 Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Family Independence Agency) pursuant to MCL 400.10 and by Mich Admin Code, R 400.7001 through R 400.7049. Department policies are found in the Department of Human Services State Emergency Relief Manual (ERM).

Additionally, the Claimant received FAP benefits at the maximum amount at [REDACTED]. Department Exhibit d-e. The Claimant had a decrease in FAP benefits due to changes in Federal FAP annual standards. The utility standard was decreased from [REDACTED] to [REDACTED]. In addition, the economic recovery amount standard was deleted to [REDACTED] from [REDACTED]. Department Exhibit f-g. In addition, the Claimant had an increase in her Social Security SSI benefits from [REDACTED] to [REDACTED]. Department Exhibit a-c. The Claimant was also eligible for the State Supplement of [REDACTED] per month.

As a result of excess income, the Claimant had a decrease in FAP benefits. After deductions from her gross income of [REDACTED] of a [REDACTED] standard deduction for an adjusted gross income of [REDACTED]. The Claimant was given a total shelter deduction of [REDACTED], resulting from a housing expense of [REDACTED] and heat and utility standard of [REDACTED]. The Claimant was given an adjusted excess shelter deduction of [REDACTED], with a total shelter deduction of [REDACTED] minus 50% of adjusted gross income of [REDACTED]. The Claimant had a net income of [REDACTED], which was the adjusted gross income of [REDACTED] minus the excess shelter deduction of [REDACTED]. With a net income of [REDACTED], the Claimant qualified with a household group size of 1 for a maximum benefit of [REDACTED] plus [REDACTED] in economic recovery minus 30% of net income of [REDACTED], resulting in a net benefit amount of [REDACTED]. Department Exhibit h-i.

The Department has met its burden by proving that the Claimant had excess income for FAP resulting in a decrease in FAP benefits from [REDACTED] to [REDACTED]. BEM 500, 550, and 554. In addition, the Department has met its burden by proving that the Claimant's FAP benefit was properly determined based on changes in Federal FAP annual standards.

A hearing was requested to dispute the Department's action taken with respect to the Claimant's SER program benefits. The Claimant has filed a duplicate hearing request on her SER denial. The Claimant had a hearing on her SER hearing request on October 3, 2013, where the Department was upheld.

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 reduced the Claimant's FAP benefits due to changes in Federal FAP annual standards and increase in income.

DECISION AND ORDER

Accordingly, the Department's FAP decision is AFFIRMED.

Pursuant to the duplicate hearing request for SER that has already been adjudicated in this matter, the Request for Hearing is, hereby, DISMISSED.

IT IS SO ORDERED.



Carmen G. Fahie
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 21, 2014

Date Mailed: February 21, 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

CGF/aca

cc:

