

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-25459
Issue No(s): 3007
Case No.: [REDACTED]
Hearing Date: March 25, 2014
County: Kalamazoo

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

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 25, 2014, at the Kalamazoo County Department of Human Services (Department) office. Participants on behalf of Claimant included her son, [REDACTED]. Participants on behalf of the Department included Hearing Facilitator [REDACTED] and Eligibility Specialist [REDACTED].

ISSUE

Did the Department properly determine Claimant's 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. On January 13, 2014, Claimant applied for FAP benefits. (Dept Ex. 4-22).
2. On January 27, 2014, the Department mailed Claimant a Notice of Case Action, informing her that she had been approved for FAP benefits of \$ [REDACTED] a month beginning February 1, 2014. (Dept Ex. 26-31).
3. On January 31, 2014, Claimant submitted a Request for a Hearing, contesting the Department's decision.

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 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.

For FAP purposes, all earned and unearned income available to Claimant is countable. Earned income means income received from another person or organization or from self-employment for duties that were performed for compensation or profit. Unearned income means all income that is not earned, including but not limited to funds received from the Family Independence Program (FIP), State Disability Assistance (SDA), Child Development and Care (CDC), Medicaid (MA), Social Security Benefits (RSDI/SSI), Veterans Administration (VA), Unemployment Compensation Benefits (UCB), Adult Medical Program (AMP), alimony, and child support payments. **The amount counted may be more than the client actually receives because the gross amount is used prior to any deductions.** BEM 500.

The Department determines a client's eligibility for program benefits based on the client's actual income and/or prospective income. Actual income is income that was already received. Prospective income is income not yet received but expected. Prospective budgeting is the best estimate of the client's future income. BEM 505.

Claimant was receiving monthly unearned income in the amount of \$ [REDACTED] at the time relevant to this matter. A medical deduction of \$ [REDACTED] and the standard deduction of \$ [REDACTED] were subtracted from Claimant's countable income leaving an adjusted gross income of \$ [REDACTED] [REDACTED]).

An excess shelter deduction is determined by adding Claimant's monthly housing expenses to the \$ [REDACTED] standard heat and utility deduction under the Low Income Home Energy Assistance Program, and subtracting half of Claimant's adjusted gross income. Claimant's rent was \$ [REDACTED] which is added to the \$ [REDACTED] standard heat and utility deduction for a total of \$ [REDACTED]. Half of Claimant's adjusted gross income of \$ [REDACTED] is \$ [REDACTED]. This is subtracted from Claimant's housing and utilities for an excess shelter deduction of \$ [REDACTED] (\$ [REDACTED]). Since Claimant meets the senior/disabled/veteran criteria, the Department would be required to deduct her excess shelter expense of \$ [REDACTED] from her adjusted gross income of \$ [REDACTED] which leaves net income of \$ [REDACTED]. BEM 556.

Federal regulations at 7 CF 273.10 provide standards for income and the amount of household benefits. In accordance with the federal regulations, the Department has prepared income and issuance tables which can be found at RFT 260. This issuance table provides that a household size of one with net income of \$ [REDACTED] is entitled to a \$ [REDACTED] FAP allotment. Therefore, the Department's FAP eligibility determination was correct based on Claimant's RSDI.

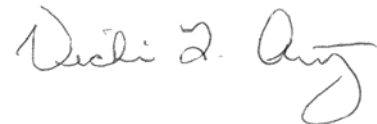
Claimant indicated at the close of the hearing that she now understood the Department's actions.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining Claimant's FAP eligibility.

The Department's FAP eligibility is **AFFIRMED**.

It is SO ORDERED.



Vicki L. Armstrong
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: April 2, 2014

Date Mailed: April 2, 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

VLA/las

cc:

