

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

IN THE MATTER OF:

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Reg. No.: 2014-33256
Issue No.: 3008
Case No.: ██████████
Hearing Date: April 21, 2014
County: Oakland (63-02)

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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 April 21, 2014, from Detroit, Michigan. Participants on behalf of Claimant ██████████
████████████████████ Participants on behalf of the Department of Human Services (Department) included ██████████
████████████████████

ISSUE

Did the Department properly calculate Claimant's Food Assistance Program (FAP) benefits for April 1, 2014, ongoing?

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 was an ongoing recipient of FAP benefits.
2. In February 2014, Claimant completed her annual review.
3. On March 4, 2014, the Department sent Claimant a Notice of Case Action notifying her that her FAP benefits would decrease to \$107 monthly effective April 1, 2014, because her shelter expense, medical deduction, and income had changed.
4. On March 13, 2014, Claimant filed a Request for Hearing disputing 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), 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.

In February 2014, Claimant reported that her employment had ended, that her shelter expenses had decreased to \$208.00 per month, and that she did not have any out-of-pocket medical expenses. Accordingly, the Department recalculated Claimant's FAP eligibility based on the updated information and determined that she was entitled to receive \$107.00 in FAP benefits per month. Claimant had previously received \$189.00 in FAP benefits per month.

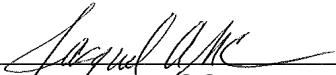
The Department presented an FAP net income budget for April 1, 2014, ongoing which did not include a deduction for medical expenses. Claimant has a group size of one. The budget showed that Claimant had gross monthly unearned income of \$840.00, which was based on her monthly RSDI income. Based on Claimant's circumstances, Claimant was eligible for the following deductions from her income under Department policy:

- a standard deduction of \$151 based on her one-person group size; RFT 255 (December 2013), p. 1; BEM 556, (December 2013) p. 4; and
- an excess shelter deduction of \$417.00 which is based on monthly shelter expenses of \$208.00 and the \$553.00 heat and utility standard deduction. BEM 554 (December 2013), p. 5.

Based on the information available to the Department at the time the budget was prepared, the Department properly calculated Claimant's net income of \$272.00. Based on net income of \$272.00 and an FAP group size of one, the Department acted in accordance with Department policy when it concluded that Claimant was eligible for FAP benefits in the amount of \$107.00 per month. BEM 556; RFT 260 (December 2013), p. 4.

DECISION AND ORDER

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


JACQUELYN A. MCCLINTON
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: April 29, 2014

Date Mailed: April 29, 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

JAM/pf

cc:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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