

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

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg No.: 2014-45095
Issue No.: 3001
Case No.: [REDACTED]
Hearing Date: December 9, 2013
County: Wayne (43)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

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 conducted from Detroit, Michigan on Monday, December 9, 2013. Claimant appeared and testified. Participating on behalf of the Department of Human Services ("Department") was [REDACTED].

ISSUE

Whether the Department properly terminated Claimant's Food Assistance Program ("FAP") benefits effective October 1, 2013.

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 FAP recipient.
2. Claimant's group size is 4.
3. A group member receives earnings from employment.
4. A group member received unemployment compensation benefits.

5. On September 20, 2013, the Department sent a Notice of Case Action to Claimant, informing her that her FAP benefits would close as of October 1, 2013, based on excess income.
6. On September 30, 2013, the Department received Claimant's timely written request for hearing.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Reference Tables ("RFT").

The Food Assistance Program, 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.

All countable earned and unearned income available to the client must be considered in determining the Claimant's eligibility for program benefits. BEM 500 (July 2013), p. 4. A standard monthly amount must be determined for each income source used in the budget. BEM 505 (July 2013), p. 7. Weekly benefit amounts are converted to a monthly amount by multiplying the weekly amount by 4.3. BEM 505, pp. 7, 8. Bi-weekly amounts are converted by multiplying the amount by 2.15. BEM 505, pp. 7, 8.

In this case, Claimant submitted check stubs on behalf of a group member for the month of August, in gross weekly amounts of \$ [REDACTED] [REDACTED] when calculating the standard monthly amount), and [REDACTED]. The average weekly earnings were calculated [REDACTED]. This amount was then multiplied by 4.3 for a monthly earned income figure of [REDACTED]. This amount is shown on the FAP budget. It should be noted, that the Department increase one of the weekly earnings by [REDACTED]; however, this error is harmless as it would not impact the end result.

Claimant received unemployment compensation in the amounts of [REDACTED] and [REDACTED]. The average bi-weekly payment is [REDACTED]. This amount is multiplied by 2.15 for a gross monthly unearned income of [REDACTED], which is what was used on the FAP budget.

The total income figure was [REDACTED] 0 [REDACTED] (unemployment compensation benefits). The Department correctly subtracted the earned income deduction, standard deduction, and excess shelter allowance for a net income figure of [REDACTED]. The net income limit for a group size of 4 is [REDACTED]. Claimant's net income exceeds the net income limit. As such, the Department established it acted in accordance with Department policy, when it terminated

Claimant's FAP benefits as of [REDACTED] due to excess income. Accordingly, the Department's determination is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds the Department established it acted in accordance with department policy when terminated Claimant's FAP benefits.

Accordingly, it is ORDERED:

1. The Department's FAP determination is AFFIRMED.



Colleen M. Mamelka
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: December 13, 2013

Date Mailed: December 16, 2013

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

CMM/tm

cc:

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