

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-000752
Issue No.: 3001
Case No.: [REDACTED]
Hearing Date: February 12, 2015
County: Oakland (2)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 February 12, 2015, from Detroit, Michigan. Participants included the above-named Claimant. Participants on behalf of the Department of Human Services (DHS) included [REDACTED] manager.

ISSUE

The issue is whether DHS properly determined Claimant's Food Assistance Program (FAP) eligibility.

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 was the only member of her household and FAP benefit group.
3. Claimant received \$733/month in federally-issued Supplemental Security Income (SSI).
4. Claimant received \$42/3 months in Michigan-issued SSI.
5. Claimant was responsible for \$145/month in rent
6. Claimant was responsible for electric and telephone obligations.

7. On [REDACTED], DHS determined that Claimant was eligible for \$18/month in FAP benefits, effective 2/2015, in part, based on \$747 in monthly income, and monthly expenses for \$145 in rent and a telephone and electric obligation.
8. On [REDACTED] Claimant verbally requested a hearing to dispute her FAP eligibility.

CONCLUSIONS OF LAW

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. Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM) and Department of Human Services Bridges Eligibility Manual (BEM) and Department of Human Services Reference Tables Manual (RFT).

Claimant testified that she verbally requested a hearing to dispute a reduction in her FAP eligibility. DHS provided testimony that Claimant's FAP eligibility was reduced following a statewide policy change. Before the policy change, DHS gave the maximum utility credit to all FAP recipients. Following the policy change, DHS only credited recipients for utilities that recipients were obligated to pay. Though the DHS testimony provides an explanation for a reduction in Claimant's FAP eligibility, the explanation does not verify that DHS issued the proper FAP benefit amount to Claimant for 2/2015.

This decision will evaluate Claimant's entire 2/2015 FAP budget. BEM 556 outlines how DHS is to calculate FAP eligibility.

It was not disputed that Claimant's only income was from SSI. Claimant conceded that she received \$733 in federally-issued SSI. Claimant raised a dispute concerning state-issued SSI.

Claimant conceded that she is supposed to receive \$42 every 3 months in Michigan-issued SSI. Claimant conceded that she received her most recent payment. Claimant complained that she has not always received the state-issued SSI payments. Claimant's allegation was unsupported by any documentation; more importantly, Claimant's allegation is unrelated to the issue raised in her hearing request. Claimant was advised that she can separately request a hearing to dispute alleged non-payments of state-issued SSI.

For purposes of FAP income budgeting, DHS properly factored that Claimant received \$14 in average monthly state-issued SSI payments. Claimant's total monthly income is found to be \$747, the same amount budgeted by DHS.

DHS uses certain expenses to determine net income for FAP eligibility and benefit levels. BEM 554 (10/2014), p. 1. For groups without a senior (over 60 years old), disabled or disabled veteran (SDV) member, DHS considers the following expenses: child care, excess shelter (housing and utilities) up to a capped amount and court-ordered child support and arrearages paid to non-household members. For groups containing SDV members, DHS also considers the medical expenses for the SDV group member(s) and an uncapped excess shelter expense. It was not disputed that Claimant was disabled.

Verified medical expenses for SDV groups, child support and day care expenses are subtracted from a client's monthly countable income. It was not disputed that Claimant had neither day care nor child support expenses. Claimant testified that she had \$2 in monthly medical copayment expenses. DHS applies a \$35 copayment to monthly medical expenses. After applying the \$35 copayment, Claimant's budgetable medical expenses are \$0.

Claimant's FAP benefit group receives a standard deduction of \$154. RFT 255 (10/2014), p. 1. The standard deduction is given to all FAP benefit groups, though the amount varies based on the benefit group size. The standard deduction is subtracted from the countable monthly income to calculate the group's adjusted gross income. The adjusted gross income amount is found to be \$593.

Claimant conceded that she was responsible for \$145/month in shelter expenses. Claimant also testified that she is responsible for payment of electricity and telephone. DHS credited Claimant with electricity and telephone obligations (see Exhibit 2). RFT 255 credits client for \$124 for an electricity obligation and \$34 for a telephone obligation. Claimant's total shelter obligation is \$303/month.

DHS only credits FAP benefit groups with what DHS calls an "excess shelter" expense. This expense is calculated by subtracting half of Claimant's adjusted gross income from Claimant's total shelter obligation. Claimant's excess shelter amount is found to be \$7 (rounding up to nearest dollar).

The FAP benefit group's net income is determined by taking the group's adjusted gross income and subtracting the allowable excess shelter expense. The FAP benefit group's net income is found to be \$586. A chart listed in RFT 260 is used to determine the proper FAP benefit issuance. Based on Claimant's group size and net income, Claimant's proper FAP benefit issuance for 2/2015 is found to be \$18, the same amount calculated by DHS.

Claimant also expressed displeasure about having to pay an over-issuance related to her subsidized housing. In Claimant's mind, a DHS specialist was to blame for Claimant having to make over-issuance payments for her subsidized housing. Claimant was advised that her subsidized program was not administered by DHS and she was not entitled to a DHS administrative remedy concerning this issue.

During the hearing, Claimant was advised that she may be better off applying for FAP benefits through the Michigan Combined Application Project (MiCAP). MiCAP is a Food Assistance demonstration project approved by the Food and Nutrition Service (FNS). BEM 618 (7/2014), p. 1. One qualifying factor for MiCAP is receiving no income other than SSI. As stated during the hearing, the telephone number for MiCAP is 877-416-4227. The program is only mentioned as a way for Claimant to receive increased FAP assistance; Claimant is not entitled to any remedy related to MiCAP because she never applied for the program.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly determined that Claimant is eligible for \$18/month in FAP benefits, effective 2/2015. The actions taken by DHS are **AFFIRMED**.



Christian Gardocki
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **2/17/2015**

Date Mailed: **2/17/2015**

CG / hw

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS **MAY** order a rehearing or reconsideration on its own motion.

MAHS **MAY** grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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 48909-8139

cc:

A large black rectangular redaction box covers the names and contact information of the recipients listed in the 'cc:' field.