

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-001029
Issue No.: 3001
Case No.: [REDACTED]
Hearing Date: February 19, 2015
County: Wayne (49)

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 19, 2015, from Detroit, Michigan. Participants included the above-named Claimant. Participants on behalf of the Department of Human Services (DHS) included [REDACTED], Specialist.

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 his FAP benefit group.
3. Claimant received \$747/month in Supplemental Security Income (SSI).
4. Claimant failed to report any shelter or utility obligations to DHS.
5. On [REDACTED], DHS mailed a Notice of Case Action (Exhibits 1-3) informing Claimant of \$16/month in FAP benefit eligibility, effective 1/2015, in part, based on \$747 in monthly income and no monthly shelter expenses.
6. On [REDACTED], Claimant requested a hearing to dispute the amount of 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's Request for Hearing disputed the amount of FAP benefits that "I am receivding (sic)." It was not disputed that Claimant was receiving \$16 in FAP benefits at the time of his hearing request submission. BEM 556 outlines how DHS is to calculate FAP eligibility.

Claimant conceded that he received \$733 in federally-issued SSI and \$42/3 months in state-issued SSI. Claimant's total SSI was undisputed to be \$747.

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 he had \$10 in monthly medical expenses. DHS applies a \$35 copayment to monthly medical expenses. After applying a \$35 copayment, Claimant is left with \$0 in countable medical expenses.

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 testified that he has a shelter and utility obligation. DHS budgeted \$0 for Claimant's shelter and utilities.

Clients must report changes in circumstance that potentially affect eligibility or benefit amount. BAM 105 (1/2015), p. 10. Expenses remain unchanged until the FAP group reports a change. BEM 554 (10/2014), p. 3.

Claimant testified that he waited until the hearing to report shelter and utility obligations to DHS. DHS agreed to accept the hearing as a reporting of a shelter and utility obligation. Claimant's expenses, if verified, would affect Claimant's future FAP eligibility. For purposes of Claimant's FAP eligibility for 1/2015, DHS properly did not factor a shelter or utility obligation because Claimant reported neither. Claimant's total shelter obligation is found to be \$0.

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 \$0.

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 \$593. 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 \$16, the same amount calculated by DHS (see Exhibits 4-6).

During the hearing, Claimant was advised that he 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 he hasn't 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 \$16/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: **2/23/2015**

Date Mailed: **2/23/2015**

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:

