

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

IN THE MATTER OF:



MAHS Reg. No.: 15-017625
Issue No.: 3008
Agency Case No.: [REDACTED]
Hearing Date: November 12, 2015
County: WASHTENAW (DISTRICT 20)

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on November 12, 2015, from Lansing, Michigan. Participants on behalf of Claimant included herself and her daughter [REDACTED]. Participants on behalf of the Department of Health and Human Services (Department) included Assistance Payments Worker [REDACTED] and Assistance Payments Supervisor [REDACTED].

ISSUE

Did the Department determine the proper amount of Claimant's Food Assistance Program (FAP) eligibility on September 12, 2015?

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 Food Assistance Program (FAP) benefits. Her benefit group consists of herself and her daughter.
2. On September 12, 2015, the Department updated Claimant's Food Assistance Program (FAP) financial eligibility budget by adding her daughter's Retirement Survivor Disability Insurance income. Claimant was sent a Notice of Case Action (DHHS-1605) which stated her Food Assistance Program (FAP) benefits were being reduced to \$ [REDACTED] per month.
3. On September 24, 2015, Claimant submitted a hearing request.

CONCLUSIONS OF LAW

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

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

During this hearing, the income for the benefit group was verified. Review of the Food Assistance Program (FAP) financial eligibility budget revealed a mistake. There was no housing expense in the budget. Evidence in the record shows that on September 12, 2015, Claimant did have a housing expense of \$[REDACTED]. Without the housing expense, Claimant had no excess shelter deduction. Her total shelter expense was \$[REDACTED] (heat & utility standard) and 50% of the group's adjusted gross income was \$[REDACTED].

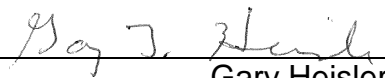
With the \$[REDACTED] housing expense Claimant still has no excess shelter deduction. Her total shelter expense is (\$[REDACTED] + \$[REDACTED] =) \$[REDACTED]. 50% of her group's adjusted gross income was still \$[REDACTED]. The error in the budget does not make a difference in her Food Assistance Program (FAP) eligibility.

During this hearing Claimant reported that her housing expense went up on October 1, 2015. Claimant also testified that she has out of pocket medical expenses but had not reported them on September 12, 2015.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department determined the proper amount of Claimant's Food Assistance Program (FAP) eligibility on September 12, 2015.

DECISION AND ORDER

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



Gary Heisler

Administrative Law Judge
for Nick Lyon, Director

Department of Health and Human Services

Date Signed: **11/17/2015**

Date Mailed: **11/17/2015**

GFH / 

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 copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from 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:

