

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

IN THE MATTER OF:

[REDACTED]

MAHS Reg. No.: 15-018756
Issue No.: 3008
Agency Case No.: [REDACTED]
Hearing Date: December 08, 2015
County: KENT-DISTRICT 1
(FRANKLIN)

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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, telephone hearing was held on December 08, 2015, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. [REDACTED] (Family Independence Manager) represented the Department of Health and Human Services (Department).

ISSUE

Did the Department of Health and Human Services (Department) properly determine the Claimant's eligibility for Food Assistance Program (FAP) benefits?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On September 17, 2015, the Claimant applied for Food Assistance Program (FAP) benefits as a group of one.
2. The Claimant receives monthly Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of \$ [REDACTED].
3. The Claimant has a monthly housing expense of \$ [REDACTED].
4. The Claimant receives a \$ [REDACTED] home heating credit.
5. The Department approved the Claimant for Food Assistance Program (FAP) with a \$ [REDACTED] monthly allotment.

6. On October 8, 2015, the Department received the Claimant's request for a hearing protesting the amount of his Food Assistance Program (FAP) allotment.

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.

All earned and unearned income available to the Claimant is countable. Earned income means income received from another person or organization or from self-employment for duties for duties that were performed for compensation or profit. Unearned income means all income that is not earned, including but not limited to funds received from the Family Independence Program (FIP), State Disability Assistance (SDA), Child Development and Care (CDC), Medicaid (MA), Social Security Benefits (RSDI/SSI), Veterans Administration (VA), Unemployment Compensation Benefits (UCB), Adult Medical Program (AMA), alimony, and child support payments. The amount counted may be more than the client actually receives because the gross amount is used prior to any deductions. Department of Human Services Bridges Eligibility Manual (BEM) 500 (July 1, 2015).

FAP groups who have received a HHC in an amount greater than \$█ in the application month or in the immediately preceding 12 months prior to the application month are eligible for the heat and utility standard. Department of Health and Human Services Bridges Eligibility Manual (BEM) 554 (October 1, 2015), p 18.

On September 17, 2015, the Department received the Claimant's application for Food Assistance Program (FAP) benefits. The Claimant receives monthly Retirement, Survivors, and Disability Insurance (RSDI) benefits in the gross monthly amount of \$█, an amount that was not disputed during the hearing. The Claimant's adjusted gross income of \$█ was determined by reducing his total income by the \$█ standard deduction. The Claimant is entitled to a \$█ excess shelter deduction, which was determined by adding his \$█ housing expenses to the \$█ heat and utility credit, then subtracting 50% of his adjusted gross income. The Claimant is entitled to the heat and utility credit because he receives a home heating credit of \$█.

The Claimant's net income of \$ [REDACTED] was determined by subtracting his excess shelter deduction from his adjusted gross income. A group of one with a net income of \$ [REDACTED] is entitled to a \$ [REDACTED] monthly allotment of FAP benefits.

The Claimant applied for FAP benefits on September 17, 2015. For approval of an application filed during any period a FAP group was not certified for benefits, the effective benefit date is the date of application if the group is eligible for the application month and benefits are to be prorated. Department of Health and Human Services Bridges Eligibility Manual (BEM) 556 (July 1, 2013), p 6. Therefore, the Department issued a \$ [REDACTED] allotment of FAP benefits for September of 2015 and the full \$ [REDACTED] for October of 2015.

The Claimant argued that he previously received a \$ [REDACTED] FAP allotment based on the same income he currently receives.

However, the benefits he received in the past were based on monthly housing expenses of \$ [REDACTED] per month, which have decreased since then.

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 acted in accordance with Department policy when it determined the amount of Food Assistance Program (FAP) benefits the Claimant is eligible to receive as of his application date of September 17, 2015.

DECISION AND ORDER

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



Kevin Scully
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **12/17/2015**

Date Mailed: **12/17/2015**

KS/ [REDACTED]

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:

