

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Claimant,

Reg No: 2008-29565

Issue No: 2001/ 3015

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

April 22, 2009

Midland County DHS

ADMINISTRATIVE LAW JUDGE: Steven M. Brown

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was conducted from [REDACTED] on April 22, 2009.

ISSUE

Whether the Department properly computed the Claimant's eligibility for Food Assistance Program ("FAP") and Adult Medical Program ("AMP") 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) Claimant was a FAP and AMP recipient.
- (2) On August 4, 2008, the Department received a Michigan Department of Human Services (DHS) Assistance Application, DHS-1171, from Claimant. (Exhibit 1)

(3) Based on the information reported by Claimant to the Department in the application, Claimant's mother, [REDACTED], was added to the FAP budget and unearned income from Claimant's spouse, [REDACTED], was added to the AMP budget.

(4) On August 5, 2008, the Department completed a FAP budget which resulted in the Claimant having excess income for FAP benefits. (Exhibit 3)

(5) On August 5, 2008, the Department sent Claimant an Eligibility Notice which explained that his benefits would be cancelled as a result of excess income. (Exhibit 2)

(6) On August 5, 2008, the Department completed an AMP budget which resulted in Claimant having excess income for AMP benefits. (Exhibit 10)

(7) On August 5, 2008, the Department sent Claimant notice that he no longer qualified for AMP because his countable income exceeded the limit. (Exhibit 9)

(8) On August 15, 2008, the Department received Claimant's hearing request protesting the cancellation of his FAP and AMP benefits.

CONCLUSIONS OF LAW

The Food Assistance Program, formerly known as the Food Stamp ("FS") program, is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations ("CFR"). The Department of Human Services ("DHS"), formally known as the Family Independence Agency, administers the FAP program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in the Program Administrative

Manual (“PAM”), the Program Eligibility Manual (“PEM”), and the Program Reference Manual (“PRM”).

The Adult Medical Program (AMP) is established by Title XXI of the Social Security Act;(1115)(a)(1) of the Social Security Act, and is administered by the Department of Human Services (DHS or department) pursuant to MCL 400.10, *et seq.* Department policies are contained in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

For FAP purposes, 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 that were performed for remuneration or profit. Unearned income means ALL income that is not earned and includes, but is not limited to, FIP, RSDI and SSI. The amount counted may be more than the client actually receives because the gross amount is used prior to any deductions. PEM 500

The Department determines a client’s eligibility for program benefits based on the client’s actual income and/or prospective income. Actual income is income that was already received. Prospective income is income not yet received but expected. Prospective budgeting is the best estimate of the client’s future income. All income is converted to a standard monthly amount. If the client is paid weekly, the Department multiplies the average weekly amount by 4.3. If the client is paid every other week, the Department multiplies the average bi-weekly amount by 2.15. PEM 505

The Adult Medical Program (AMP) is available to individuals who meet all the eligibility factors in this item. Income eligibility exists when the program group’s net income does not exceed the program group’s AMP income limit. The Department is

required to use only countable income – income remaining after applying AMP policy in PEM 500. PEM 640

In the instant case, Claimant agreed with the income figures used by the Department in completing the FAP and AMP Budgets. Based on the testimony and documentary evidence offered at hearing, I find that the Department established that it acted in accordance with departmental policy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department acted in accordance with policy in computing Claimant's FAP benefits.

Accordingly, the Department's FAP eligibility determination is **AFFIRMED**.

/s/ _____
Steven M. Brown
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 29, 2009

Date Mailed: April 29, 2009

NOTICE: Administrative Hearings 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. Administrative Hearings 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.

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 was made, within 30 days of the receipt date of the rehearing decision.

2008-29565/smb

SMB/db

cc:

[REDACTED]