

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: 2008-3682

Issue No: 3015

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

February 12, 2008

Newaygo County DHS

ADMINISTRATIVE LAW JUDGE: Jana A. Bachman

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, an in-person hearing was held on February 12, 2008. Claimant was represented by [REDACTED].

ISSUE

Whether the Department of Human Services (department) acted in compliance with department policy when it determined claimant's Food Assistance Program (FAP) benefits?

FINDINGS OF FACT

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

- (1) October 8, 2007, claimant applied for FAP. He submitted financial records.

(2) October 31, 2007, the department prepared a FAP budget. Claimant's total earned income was [REDACTED] consisting of self employment earnings less actual verified monthly expenses of [REDACTED]. A standard 20% was deducted. Claimant's unearned income was [REDACTED] consisting of Social Security benefits making total gross income of [REDACTED]. A standard [REDACTED] was deducted leaving adjusted gross income of [REDACTED]. Allowable medical expenses of [REDACTED] were included less [REDACTED] deductible left [REDACTED] remaining income to be budgeted. Allowable housing expenses were [REDACTED] and exceeded half of claimant's countable income by [REDACTED]. An excess shelter deduction was included in that amount leaving net countable income for FAP purposes of [REDACTED]. Maximum allowable income for FAP household of one, disabled veteran or senior is [REDACTED]. Claimant had excess income to qualify. Department A.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (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 or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Department manuals provide the following policy statements and instructions for caseworkers:

When determining eligibility for FAP, all income must be included unless it is specifically excluded. Earned income and Social Security benefits are not excluded and must be counted when determining FAP eligibility. The FAP program provides for a deduction from earned income of 20% and a deduction for the cost of child care when necessary to enable a FAP household member to work. A standard deduction from income of [REDACTED] is allowed for each household. Certain non-reimbursable medical expenses above [REDACTED] per month may be deducted for senior/disabled/veteran group members. Another deduction is provided if monthly shelter costs are in excess of 50% of the household's income after all the other deductions have been allowed. Program Eligibility Manual (PEM) 500, 550, 554; Reference Table (RFT) 255; 7 CFR 273.2.

In this case, claimant asserts that the department did not consider all his medical expenses when determining his FAP benefits. A preponderance of the evidence establishes that the department used all allowable medical expenses that were known to the department at the time of determination. Finding of Fact 1-2.

The federal regulations set forth at 7 CFR 273.10 provide the standards for the amount of a household's benefits. The department, in compliance with these regulations, has prepared issuance tables that are set forth at Reference Table (RFT) 260. RFT 260 provides that a senior/disabled/veteran household of one, living in Newaygo County with income for FAP purposes of [REDACTED] is not entitled to receive FAP benefits due to excess income. Finding of Fact 1-2. Accordingly, the department has met its burden of proof and its action must be upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly determined claimant's eligibility for Food Assistance Program benefits.

Accordingly, the department's action is HEREBY UPHELD.

/s/

Jana A. Bachman
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 30, 2009

Date Mailed: November 2, 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 60 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.

JAB/db

cc:

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