

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: 2009-11180

Issue No: 3002

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

March 12, 2009

Jackson County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

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 Detroit, Michigan on March 12, 2009. The Claimant appeared and testified. Also present was Claimant's father, [REDACTED], appeared on behalf of the Department.

ISSUE

Whether the Department properly calculated the Claimant's Food Assistance (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. The Claimant is a FAP recipient.

2. Claimant's certification period, prior to her most recent review, was 5/1/08 – 4/30/10.
3. Prior to a recent review, the Claimant received a monthly FAP allotment of [REDACTED]
4. Claimant's benefits were reviewed after social security instituted a cost of living increase.
5. The Claimant receives [REDACTED] per month in RSDI.
6. The Claimant pays rent in the amount of [REDACTED] per month which includes all utilities.
7. The Department re-calculated the FAP budget based upon information obtained during the review which resulted in a reduction in the Claimant's FAP allotment. (Exhibit 1).
8. On January 21, 2009, the Department received the Claimant's Request for Hearing protesting the reduction of FAP benefits from the original [REDACTED] to [REDACTED] (Exhibit 2).

#### 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 federal regulations define household income to include RSDI benefits. 7 CFR 273.9(b). Only 80% of earned income is counted in determining FAP benefits. PEM 550. Under 7 CFR 23.9, as amended, \$135.00 is deducted from the gross income of FAP recipients in determining FAP grants. Under 7 CFR 273.9 deductions for excess shelter are also made. PEM 554.

In the present case, according to the aforementioned policy on budgeting, Claimant has a net monthly income of [REDACTED]. This was obtained by subtracting the standard deduction of \$135.00 and the excess shelter amount of [REDACTED] from the gross income of [REDACTED]. The amount of food assistance allotment is established by regulations at 7 CFR 273.10. A household of one person with a net monthly income of [REDACTED] is entitled to a monthly FAP grant of [REDACTED] per month. RFT 260.

Based upon the foregoing facts and relevant law, it is found that the Department's determination is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department properly calculated the Claimant's FAP allotment.

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

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/s/  
Jeanne M. VanderHeide  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: 3/19/09

Date Mailed: 3/20/09 dj

**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.

JV/dj

cc:

