

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

██████████,

Claimant

Reg No: 2009-13467

Issue No: 3002

Case No: ██████████

Load No: ██████████

Hearing Date:

March 16, 2009

Wayne 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 the Claimant's request for a hearing. After due notice, a telephone hearing was conducted on March 16, 2009. The Claimant appeared and testified. ██████████
██████████ appeared on behalf of the Department.

ISSUE

Whether the Department properly computed the Claimant's Food Assistance ("FAP") benefits effective November 21, 2008.

FINDINGS OF FACT

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

1. The Claimant is a FAP recipient since June of 2008.
2. On November 12, 2008, Claimant's FAP budget was reviewed as Claimant was no longer receiving unemployment compensation.

3. Claimant noticed that the Department's 11/12/08 budget did not include any shelter costs and had Claimant listed as homeless.
4. After Claimant provided verification of his housing costs, the Department found Claimant to be entitled to [REDACTED]/month as a result of the 11/12/08 budget. (Exhibit II).
5. On November 28, 2008, the Department recalculated Claimant's FAP budget including rent costs in the amount of [REDACTED] month. (Exhibit IV). The Department determined that Claimant should receive [REDACTED] per month in FAP benefits.
6. The Claimant testified that his rent is [REDACTED] month.
7. The Claimant testified he is responsible for heat and electricity.
8. Claimant testified that his telephone bill is [REDACTED] month.
9. Claimant testified that he and his wife are included in his family group.
10. The Claimant receives unemployment compensation in the amount of [REDACTED] every two weeks.
11. Claimant objected to the FAP calculation and filed this appeal. The Department received the Claimant's Request for Hearing on January 28, 2008.

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 unemployment compensation benefits. 7 CFR 273.9(b). All monthly income must be converted to a nonfluctuating monthly amount. Only 80% of earned income is counted in determining FAP benefits. PEM 550. Under 7 CFR 273.9, 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. Household groups that do not have a Senior/Disabled veteran (SDV) member are given a standard deduction of \$35.00/month for medical expenses. Id. There is a standard heat and utility deduction as well as a standard deduction for telephone bills. Id. The standard deductions are a set amount that is applied regardless of the actual expenses incurred by the Claimant.

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 two people with a net monthly income of [REDACTED] is entitled to a monthly FAP grant of [REDACTED] per month. RFT 260.

Claimant noted in his hearing request additional expenditures such as transportation, insurance, fuel, maintenance and household items. These items are not considered in the federal guidelines for awarding benefits. 7 CFR 273. The undersigned appreciates that economic times are difficult, but finds that the Department properly calculated benefits.

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.

/s/

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

Date Signed: 03/20/09

Date Mailed: 03/23/09 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

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