

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: 2009-13929

Issue No: 3003

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

March 19, 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 19, 2009. The Claimant appeared and testified. [REDACTED] was also present for the Claimant. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly computed the Claimant's Food Assistance ("FAP") benefits effective January 6, 2009.

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 applied for FAP benefits on January 6, 2009.

2. The Department calculated Claimant's FAP benefits via budget on 1/12/09 and 1/15/09. (Exhibits 1, pp. 8-14).
3. In calculating benefits, the Department relied upon a computer printout of Claimant's payment history from Social Security Administration to determine unearned income. (Exhibit 1, pp. 15, 16). The computer print out indicates that Claimant received [REDACTED] in [REDACTED] for RSDI and [REDACTED] for SSI. *Id.* Therefore, the Department found Claimant to have a total of [REDACTED] unearned gross income.
4. Claimant testified that he received overly large payments from SSA for the months of January, February and March, including over [REDACTED]/month for SSI plus a RSDI payment.
5. Both budgets indicated Claimant was to receive [REDACTED]/month in FAP benefits. (Exhibits 1, pp. 8-14).
6. Claimant objected to the FAP calculation and filed this appeal. The Department received the Claimant's Request for Hearing on February 6, 2009.
7. Claimant testified that the Social Security Administration notified him that his SSI will be reduced to [REDACTED]/month as of April.

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 social security income. 7 CFR 273.9(a)(2). 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. 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 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. The undersigned finds that the Department properly calculated benefits based on Claimant’s unearned income for the months of January, February, and March of 2009.

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 for the period of January – March 2009.

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: 03/31/09

Date Mailed: 03/31/09

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:

[REDACTED]