

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: 2009-17647
Issue No: 3002
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 28, 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 May 28, 2009. The Claimant appeared and testified along with her friend, [REDACTED]. Tititia Rose, FIM appeared on behalf of the Department.

ISSUE

Whether the Department properly computed the Claimant's Food Assistance ("FAP") benefits effective 2/19/09.

FINDINGS OF FACT

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

1. The Claimant is a FAP recipient.
2. Following a yearly re-determination, a Food Assistance Budget was compiled dated March 20, 2009. (Exhibit 1, p. 4).

3. Claimant has a household group of one (1) person.
4. Claimant receives SSI in the amount of \$637.00/month.
5. Claimant testified that she does not have any additional medical expenses.
6. The Claimant testified that she pays rent in the amount of \$152.00 per month.
7. Claimant testified that she has never paid for heat in her home.
8. Following the March 20, 2009 budget, monthly FAP benefits were calculated in the amount of \$14. (Exhibit 1, p. 4).
9. Claimant objected to the FAP calculation and filed this appeal. The Department received the Claimant's Request for Hearing on April 2, 2009.

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 all earned income. 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, a standard deduction (\$135) 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. 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. FAP groups whose heat is included in their rent or fees are not eligible for the Heat and Utility Standard, unless they are billed for excess heat payments from their landlord, or they report that they received, applied for or will be applying for a Home Heating Credit warrant in the current fiscal year for their current address. PEM 554, p. 12.

In the present case, according to the aforementioned policy on budgeting, Claimant has a net monthly income of \$541.00. This was obtained by subtracting the standard deduction of \$125.00 and the excess shelter amount of \$12.00 from the gross income of \$688.00. The amount of food assistance allotment is established by regulations at 7 CFR 273.10. A household of one with a net monthly income of \$541.00 is entitled to a monthly FAP grant of \$14.00 per month. RFT 260. Because Claimant will not be applying for a Home Heating Credit in the current fiscal year, Claimant is not entitled to any additional heat deduction.

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: 06/04/09

Date Mailed: 06/05/09

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:

