

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: 2009-21456

Issue No: 3014

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

May 7, 2009

Calhoun County DHS

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

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 May 7, 2009. Claimant personally appeared and testified.

ISSUE

Did the Department of Human Services (the department) properly determine claimant's eligibility amount for 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) Claimant was a Food Assistance Program benefit recipient receiving \$14 per month in Food Assistance Program benefits.

(2) On October 21, 2008, claimant filed a request for a hearing to contest the amount of Food Assistance Program benefits that she was receiving.

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).

Categorically eligible groups automatically meet asset, gross, and 100% net income limits for food assistance. Categorically eligibility applies to groups, not individuals. Group composition must be determined prior to determining categorical eligibility. FAP groups are categorically eligible based on enhanced authorization for Domestic Violence Prevention Services. Although applicants/recipients are authorized for this service, only households with gross income at or below 200% of the poverty level receive additional authorizations. (PEM, Item 213) In the instant case, claimant is categorically eligible for Food Assistance Program benefits based upon her receipt of RSDI income. (PEM, Item 213)

PEM, Item 550, p. 1, indicates that the department is to use only available countable income to determine eligibility. PEM, Item 500 defines countable income. PEM, Item 505 defines available income and income change processing. PEM, Item 550 describes income budgeting policy. (PEM, Item 550, p. 1) The department is required to budget the entire amount of earned and unearned countable income. Gross countable earned income is reduced by 20% earned income deduction. Every case is allowed the standard deduction shown in PRT 255. The department is to always calculate income on a calendar month basis to determine eligibility and

benefit amounts. The department is to use income from a month specified in this item for the benefits month being considered. (PEM, Item 550, p. 1)

In the instant case, claimant receives [REDACTED] in RSDI income. Claimant's son receives [REDACTED] in RSDI income and claimant receives [REDACTED] per month in child support for a total of [REDACTED] in countable unearned income. Claimant also earns income in the amount of [REDACTED] per month for a total countable income of [REDACTED] per month. The gross income limit in the Program Reference Tables is \$2,334. Claimant is therefore categorically eligible to received Food Assistance Program benefits based upon its determination that it does not exceed the gross income limit.

The department gave claimant a \$201 earned income deduction and a standard deduction of \$135 for an adjusted gross income of [REDACTED] per month. The department also gave claimant an excess shelter deduction of \$232 for a total net income of [REDACTED] per month. The department determined that claimant has a net monthly income of [REDACTED] per month. The federal regulations at 7 CFR 273.10 provides standards for income in the amount of household benefits. In accordance with the federal regulations, the department has prepared income and issuance tables which can be found at PRT 260. The issuance table provides that a household size of two people with a net income of [REDACTED] would be categorically eligible for Food Assistance Program benefits and eligible for a monthly FAP allotment of \$14 per month.

Therefore, the department has established that it was acting in compliance with department policy when it determined that claimant was eligible to receive \$14 per month in Food Assistance Program benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department has established that it was acting in compliance with

department policy when it determined that claimant was to receive \$14 per month in Food Assistance Program benefits.

Accordingly, the department's decision is AFFIRMED.

/s/ _____
Landis Y. Lain
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: May 28, 2009

Date Mailed: May 29, 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.

LYL/vmc

cc:

