

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: 2009-22085
2009-21796

Issue No: 3003

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

July 29, 2009

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Linda Steadley Schwarb

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 hearing was held on July 29, 2009. Claimant appeared and testified with the assistance of a translator.

ISSUE

Did the Department of Human Services (DHS or department) properly calculate claimant's Food Assistance Program (FAP) allotment?

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 is a recipient of FAP benefits in a group of three which consist of herself, her husband, and her son who is under 22 years of age.

(2) Claimant receives Retirement, Survivors and Disability Insurance (RSDI) income in the gross amount of [REDACTED] month and Supplemental Security Income (SSI) in the gross amount of [REDACTED]0 per month. (Department Exhibit #2).

(3) Claimant's husband receives RSDI income in the gross amount of [REDACTED] per month and SSI income in the gross amount of [REDACTED] per month. (Department Exhibit #2)

(4) Claimant's FAP group has no shelter cost. All shelter cost for the home in which claimant lives are paid for by an older son who is not in the FAP group.

(5) In May of 2009, the department prepared an updated FAP budget for claimant which indicated that claimant's FAP group was eligible for a monthly FAP allotment of [REDACTED] (Department Exhibit #1).

(6) On May 5, 2007, the department notified claimant that effective May 1, 2009 claimant's FAP allotment would be [REDACTED] per month.

(7) On May 7, 2009, claimant filed a hearing request to protest the department's determination.

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).

When determining eligibility for FAP benefits, the total income from all FAP group members must be evaluated. All earned and unearned income from each group member must be included unless specifically excluded by law. Program Eligibility Manual, Item 500. The FAP program provides a deduction from earned income of 20% and a deduction for the cost of child care when necessary to enable a FAP group member to work. A standard deduction from income of [REDACTED] is allowed for each household. See RFT Item 255. Certain non-reimbursable medical expenses above [REDACTED] a month may be deducted for senior/disabled/veteran FAP group members. Another deduction from income is provided if monthly shelter cost for the FAP group are in excess of 50% of the groups income after all of the other deductions have been allowed (up to a maximum of [REDACTED] for non-senior/disabled/veteran households). Program Eligibility Manual, Items 500 and 554. Program Reference Manual RFT 255; 7 CFR 273.2.

In this case, the undersigned Administrative Law Judge has reviewed the FAP budget and finds that the department properly computed claimant's FAP group's net income. The federal regulations at 7 CFR 273.10 provide standards for the amount of a FAP groups benefits. The department in compliance with federal regulations has prepared issuance tables which are set forth at Program Reference Manual, Table 260. The issuance table provides that a FAP group with the size and net income of claimant's group is eligible for an FAP allotment of \$249. Accordingly, the department's determination in this matter must be upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services properly calculated claimant's Food Assistance Program allotment. Accordingly, the department's determination in this matter must be AFFIRMED.

/s/ _____
Linda Steadley Schwarb
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 8/4/09

Date Mailed: 8/4/09

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 90 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.

LSS/at

cc:

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