

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: 2009-22088
Issue No: 3002
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 15, 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 June 15, 2009. The Claimant appeared and testified along with his wife, [REDACTED]. Titicia Rosen, FIM appeared on behalf of the Department.

ISSUE

Whether the Department properly computed the Claimant's Food Assistance ("FAP") benefits effective 4/20/09.

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 applied for Food Benefits on 4/20/09.
2. A food assistance budget was completed on April 23, 2009. (Exhibit 1, pp. 4-5).
3. Claimant testified that he has a household of two people.

4. The Claimant testified that he receives RSDI in the amount of \$1246.00 and his wife receives RSDI in the amount of \$1109.00 per month. (Exhibit 1, pp. 1-2)
5. The Department denied Food Assistance Benefits on 4/23/09 due to excess income. (Exhibit 1, p. 6).
6. Claimant objected to the FAP denial and filed this appeal. The Department received the Claimant's Request for Hearing on 5/13/09.

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 and unearned 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, \$135.00 is deducted from the gross income of FAP recipients in determining FAP grants. A non-categorically eligible Senior/Disabled/Veteran (SDV) FAP group must have income below the net income limits. PEM 550.

In the present case, according to the aforementioned policy on budgeting, for the 1/3/09 budget, Claimant's group had a net monthly gross income of \$2,355.00. As a result, Claimant's group income is over the maximum income limits at 200% of poverty of \$2,334.00 (which is the

income limit for enhance domestic violence authorization) per month for a group size of two people. RFT 250. Furthermore, the undersigned finds that the proper gross income test would utilize the “simplified reporting income limit” of \$1,517.00. Under either income limit, Claimant does not qualify for FAP benefits.

Although the Claimant believed he is eligible for FAP benefits, the Claimant did not disagree with the earnings used to calculate his eligibility. The Department established that it acted in accordance with departmental policy in determining the Claimant’s FAP denial effective 4/23/09. Accordingly, the Department’s FAP denial was correct.

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 denied the Claimant’s FAP benefits based on excess income.

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: 06/25/09

Date Mailed: 06/29/09

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.

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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:

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