

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Claimant

Reg. No.: 2009-27740

Issue No.: 3002

Case No.:



Load No.:

Hearing Date:

August 3, 2009

Oakland County DHS (2)

ADMINISTRATIVE LAW JUDGE: Colleen Lack

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice a telephone hearing was held on August 3, 2009 and claimant was not represented.

ISSUE

Is claimant receiving the correct monthly 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 was a recipient of FAP benefits in a house hold of 3 persons.
2. Claimant had obligations for shelter, utilities, and heat.
3. Claimant receives earned income \$200 week. (Exhibit p. 2)
4. Claimant receives child support of \$479.88 a month for the two children. (Exhibit p. 2)

5. Claimant's daughter began working in March of 2009 approximately 15 hours a week at \$6.30 per hour. (Exhibit p. 2)
6. The department re-calculated the FAP budget in March 2009 and determined that claimant is entitled to \$201 in FAP benefits per month
7. Claimant requested a hearing contesting the amount of the FAP grant.

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 both earned and unearned income. 7 CFR 273.9(b). Only 80% of earned income is counted in determining FAP benefits. PEM 550.). Stable income received every week is multiplied by 4.3 to take into account fluctuations due to the number of scheduled pays in a month. PEM 505. Under 7 CFR 273.9, as amended, \$135 is deducted from the gross income of FAP recipients in determining FAP grants. Under 7 CFR 273.9 deductions for excess shelter expenses are also made. PEM 554.

In the present case, according to the aforementioned policy on budgeting, claimant has a net monthly income of \$872. In order to calculate the net monthly income, first the average gross weekly earnings for claimant (\$200) and her daughter (\$83.56) were multiplied by 4.3 for conversion to a monthly standard (\$860 and \$359) The total gross earned income was

determined to be \$1219. An adjusted gross income of \$1318 was obtained by adding the income from child support (\$478) to 80% of the total gross earned income (\$975), then subtracting the standard deduction of \$135. A deduction of \$446 was also made for shelter expenses resulting in the calculated net monthly income of \$872.

The amount of a monthly food assistance allotment is established by regulations a 7 CFR 273.10. A household of three persons with a net monthly income of \$872 is entitled to a monthly FAP grant of \$201 per month. RFT 260.

DECISION AND ORDER

The ALJ bases upon the findings of fact and conclusions of law decides that the claimant is receiving the correct monthly FAP allotment and it is ordered that the Department's decision in this regard be and is hereby AFFIRMED.



Colleen Lack
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 09/10/09

Date Mailed: 09/11/09

NOTICE: The law provides that within 30 days of receipt of the above Decision and Order the claimant may appeal it to the circuit court for the county in which he/she lives. Administrative Hearings, on its own motion, or on request of a party within 30 days of the receipt of this Decision and Order, may order a rehearing.

Administrative Hearings will not order a rehearing on the agency's motion where the final decision or rehearing cannot be implemented within 90 days of the filing of the original hearing request.

CL/jlg

cc:

