

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.: 2009-32524
Issue No.: 3002
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
September 9, 2009
Wayne County DHS (18)

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon pursuant to MCL 400. 9; MCL 400.37 upon claimant's request for a hearing. After due notice a telephone hearing was held on September 9, 2009 claimant was present and testified [REDACTED] FIM and [REDACTED] ES worker appeared for the department and testified.

ISSUE

Is the department correct in calculating claimant's FAP benefits as of July 1, 2009?

FINDINGS OF FACT

- (1) Claimant was FAP recipient. Due to an automated find and fix computer match showing a change in income a new FAP budget was completed.
- (2) Claimant has income in the form of unemployment benefits of \$1419 per month.
- (3) Claimant has child support expense of \$311 and shelter expenses of \$1450.
- (4) The department determined claimant's FAP benefits on August 1, 2009 to be \$41 per month.

- (5) Claimant requested a hearing on August 4, 2009 contesting the amount of FAP benefits and questioning how net income was calculated.

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 unemployment compensation benefit income. 7 CFR 273.9(b). Stable income received every two weeks is multiplied by 2.15 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 when shelter expenses in excess of 50 percent of the household’s income after other specified deductions have been allowed. A standard deduction for telephone services may also be allowed. PEM 554.

In the present case, according to the aforementioned policy on budgeting, claimant has a net monthly income of \$527. This was obtained by subtracting the standard deduction of \$135 from the gross income of \$1419. Claimant’s bi-weekly income of \$660 was multiplied by 2.15 to determine his gross monthly income of \$1419. Claimant qualified for an excess shelter deduction as his shelter expenses of \$1450 (\$900 rent plus \$550 utility) was in excess of \$642

(50 percent of \$1284, income after prior deductions were made.) Claimant's child support expense of \$311 was deducted from adjusted gross income. The amount of a monthly food assistance allotment is established by regulations at 7 CFR 273.10. A household of one person with a net monthly income of \$527 is entitled to a monthly FAP grant of \$41 per month. RFT 260.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the department was correct in the determination of FAP benefits, and it is ORDERED that the department's decision in this regard be and is hereby AFFIRMED.



Aaron McClintic
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 09/16/09

Date Mailed: 09/16/09

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.

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