

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: 2009-32661  
Issue No: 3002  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
October 5, 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 October 5, 2009. The Claimant appeared and testified. Ingrid McGowan, FIS appeared on behalf of the Department.

ISSUE

Whether the Department properly computed the Claimant's Food Assistance ("FAP") benefits effective 8/4/09.

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds a material fact:

1. The Claimant was an active FAP recipient.
2. A food assistance budget was completed in June of 2009. (Exhibit 1).
3. Claimant has a household group of one.

4. The Claimant testified that the wage information upon which the Department based its decision were accurate at the time, including:
  - a. 4/24/09 – pay stub for \$688.00
  - b. 5/8/09 – pay stub for \$688.00The pay stubs were not contained in the Judge’s hearing file.
5. Claimant testified that she receives RSDI in the amount of \$623.00/month rather than the \$673 used in the budget. The SOLQ supports Claimant’s statement. (Exhibit 2).
6. The Department testified that Claimant’s net income exceeded the FAP limit and, therefore, the Department denied Food Assistance Benefits effective 8/4/09 due to excess income. (Exhibit 3).
7. Claimant objected to the FAP denial and filed this appeal. The Department received the Claimant’s Request for Hearing on August 4, 2009.

#### 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 June, 2009 budget, Claimant's group had a net monthly gross income of \$2,102.00 from wages and \$623.00 in RSDI. As a result, Claimant's income is over the income limits of \$867.00 per month for a group size of one person. Claimant income is also over the limits of \$1,127.00 which is the simplified reporting income limit RFT 250. Therefore, Claimant does not qualify for FAP benefits.

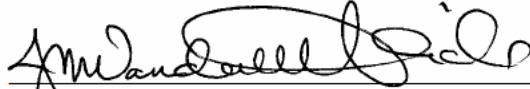
Although the Claimant believed she is eligible for FAP benefits, the Claimant did not disagree with the earnings used to calculate her eligibility. The Claimant indicated that her income limit had changed. Claimant was advised that changes can be submitted to the Department at any time. However, the Department established that it acted in accordance with departmental policy in determining the Claimant's FAP denial effective 8/4/09. 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 calculated the Claimant's FAP allotment.

Accordingly, the Department's FAP eligibility determination is AFFIRMED.



Jeanne M. VanderHeide  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: 10/29/09

Date Mailed: 10/30/09

**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.

JV/dj

cc:

