

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.: 2009-32835
Issue No.: 3003
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
September 14, 2009
Wayne County DHS (17)

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 14, 2009 claimant was present and testified, [REDACTED] ES and [REDACTED] FIM appeared for the department and testified. [REDACTED] from the department served as Arabic interpreter.

ISSUE

Is the department correct in determining claimant's FAP benefits?

FINDINGS OF FACT

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

- (1) Claimant was a FAP recipient.
- (2) Claimant's household has \$2246 gross income. The claimant receives \$433 from RSDI, \$207.60 from and SSI State Supplement, and \$600 voluntary contribution from his son.

██████████ receives \$184.35 as a home help provider. ██████████ receives \$229.
██████████ receives 630.50 from SSI and state supplement.

- (3) The department determined claimant's FAP benefits on August 1, 2009 to be \$215 per month for a 4 person group.
- (4) Claimant requested a hearing on August 12, 2009 contesting the FAP benefit amount.
- (5) Claimant asserted that his daughter should not be included in the household and that the amount of the voluntary contribution from his son was inaccurate.
- (6) Claimant testified that the issues regarding MA benefits had been resolved to his satisfaction.
- (7) Claimant's daughter was included in the household pursuant to claimant's application requesting FAP for his daughter.
- (8) The \$600 the amount used for the voluntary contribution from claimant's son was based on information provided by the claimant's son.

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").

In the present case, claimant's household had \$2099 unearned income and \$184 of earned income. Only 80% of earned income is counted in determining FAP benefits, which is \$147. The

standard deduction of \$138 was taken resulting in adjusted gross income of \$2108. Claimant has shelter expense of \$1653, which results in \$599 excess shelter expense. Claimant's household has net income of \$1509. (Department Exhibit 1, pg. 1) The Food Assistant Issuance Table shows \$215 in benefit for \$1509 net income for a 4 person household. RFT 260 This is the amount determined by the department.

Claimant's argument that his daughter should not be included in the household because she only eats with the family ¼ of the time, by his estimation, is not convincing. His daughter was included in the application that he signed and submitted. Claimant's argument that the amount of the voluntary contribution from his son is inaccurate is also not convincing. The amount used by the department was based on a letter signed and submitted by claimant's son (Department Exhibit1, pg.5) The Department correctly relied upon the information provided by the claimant.

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: 09/23/09

Date Mailed: 09/23/09

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.

2009-32835/AM

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.

AM/jlg

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