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: 2009-5732
Issue No: 1015/3002
Case No:
Load No:
Hearing Date:
January 21, 2009
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9;
MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After
due notice a telephone hearing was held on January 21, 2009. The Claimant personally appeared
and testified.

ISSUE

Did the Department properly compute the Claimant's Family Independence Program
(FIP), and Food Assistance (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.   On August 29, 2008, the Claimant applied for FIP and FAP.

2.   On November 10, 2008, the Department opened the Claimant's FIP then placed
the Claimant's FIP into closure and reduced his FAP.

     3.   The Department budgeted ▮▮▮▮▮ in unemployment income in determining FIP and FAP eligibility.

     4.   On November 11, 2008, the Claimant filed a request for a hearing.

<center>CONCLUSIONS OF LAW</center>

The Food Assistance Program (FAP) (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 (formerly known as the Family Independence Agency) administers the FAP program pursuant to MCL 400.10, et seq., and MAC R 400.3001-3015. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, et seq. The Department of Human Services (formerly known as the Family Independence Agency) administers the FIP program pursuant to MCL 400.10, et seq., and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

In the instant case the Claimant questions the FAP benefit allowed and the FIP closure based on his unemployment income. The Department uses the following procedures in budgeting income that includes lump sum amounts:

<center>2</center>

Past Months

Use actual gross income amounts received for past month benefits, converting to a standard monthly amount, when appropriate (PEM 505, p. 2).

Here, the Claimant testified that the unemployment benefits the Department used to calculate his FIP and FAP was a lump sum amount making up for back benefits.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, REVERSES AND ORDERS the Department to recalculate the Claimant's FAP and FIP budgets based on documented unemployment benefits received.

_/s/_____
Michael J. Bennane
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: __March 12, 2009__

Date Mailed: __March 12, 2009__

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 90 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 mailing 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.

MJB/jlg

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