

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: 2009-11030

Issue No: 2014, 3002

Case No:

[REDACTED]

Load No:

Hearing Date:

June 18, 2009

Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Steven M. Brown

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was conducted from [REDACTED] on June 18, 2009.

ISSUE

Whether the Department properly computed Claimant's Food Assistance Program (FAP) allotment and terminated his Adult Medical Program (AMP) 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 and AMP recipient. His case was due for review in January 2009.

(2) On January 9, 2009, Claimant completed an Assistance Application, DHS-1171, and provided income and expense verifications for the Department. As a

result, a FAP budget was completed by the Department which resulted in a monthly FAP allotment of \$80. (Exhibits 7,8, 12-28)

(3) On January 9, 2009, the Department mailed Claimant an Eligibility Notice which explained Claimant's monthly FAP allotment. (Exhibit 6)

(4) Claimant was not eligible for AMP due to excess income. (Exhibits 9-11)

(5) On January 13, 2009, the Department received the Claimant's hearing request. (Exhibit 1-3)

CONCLUSIONS OF LAW

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 (DHS or department), 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 Adult Medical Program (AMP) is established by Title XXI of the Social Security Act; (1115)(a)(1) of the Social Security Act, and is administered by the Department of Human Services (DHS or department) pursuant to MCL 400.10, *et seq.* Department policies are contained in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

All earned and unearned income available to the Claimant is countable. Earned income means income received from another person or organization or from self-employment for duties that were performed for remuneration or profit. Unearned

income means ALL income that is not earned and includes FIP, RSDI, SSI and UB. The amount counted may be more than the client actually receives because the gross amount is used prior to any deductions. PEM 500

The Department determines a client's eligibility for program benefits based on the client's actual income and/or prospective income. Actual income is income that was already received. Prospective income is income not yet received but expected.

Prospective budgeting is the best estimate of the client's future income. PEM 505

All income is converted to a standard monthly amount. If the client is paid weekly, the Department multiplies the average weekly amount by 4.3. If the client is paid every other week, the Department multiplies the average bi-weekly amount by 2.15.

PEM 505

In the instant case, Claimant questioned the monthly conversion of his income and why certain expenses were not included in the FAP budget, but otherwise agreed that the Department used the correct income and expense figures that were provided to them in completing the FAP Budget. Claimant will provide the Department with any documented changes to his income and expenses and/or any additional expenses he would like for the Department to consider.

With the above said, based on the testimony and documentation offered at hearing, I find that the Department established that it acted in accordance with policy in computing Claimant's FAP allotment and terminating his AMP benefits.

