

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: 2009-12835
Issue No: 3002; 3003
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 24, 2009
Kent County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 hearing was held on March 24, 2009.

ISSUE

Was the claimant's FAP allotment computed and allocated correctly?

FINDINGS OF FACT

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

(1) Claimant was receiving a Food Assistance Program (FAP) allotment budget of [REDACTED]

(2) In January, claimant's FAP was recertified, taking into account claimant's group's increase in unemployment and SSI benefits.

(3) Claimant's FAP allocation was reduced to [REDACTED] after DHS recalculated claimant's FAP budget.

(4) Claimant filed for hearing on 1-14-09, alleging that DHS incorrectly computed her budget, and therefore, allocated the wrong amount of FAP benefits.

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. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

When determining eligibility for FAP benefits, the household's total income must be evaluated. All earned and unearned income of each household member must be included unless specifically excluded. PEM, Item 500. A standard deduction from income of \$135 is allowed for each household. Certain non-reimbursable medical expenses above \$35 a month may be deducted for senior/disabled/veteran group members. Another deduction from income is provided if monthly shelter costs are in excess of 50% of the household's income after all of the other deductions have been allowed, up to a maximum of \$300 for non-senior/disabled/veteran households. PEM, Items 500 and 554; RFT 255; 7 CFR 273.2.

In this case, the Administrative Law Judge has reviewed the FAP budget and finds that the department properly computed the claimant's net income. The gross SSI benefit amount must be counted as unearned income, which is [REDACTED] in the current case for claimant's daughter.

The gross unemployment benefit must also be counted as unearned income, which amounts to [REDACTED] a month for claimant. PEM 500. These amounts were verified by an unemployment benefit inquiry and an SOLQ benefit inquiry, presented as Department Exhibits 6 and 7.

Claimant has medical expenses, which were presented to DHS and deducted from the budget accordingly. The federal regulations at 7 CFR 273.10 provide standards for the amount of a household's benefits. The Department, in compliance with the federal regulations, has prepared issuance tables which are set forth at Program Reference Manual, Table 260. The issuance table provides that a household with household size and net income of the claimant's group is [REDACTED]. The Administrative Law Judge has reviewed the budget and found no errors. Claimant herself was unable to point out specifically what parts of the budget she felt were in error. Therefore, the undersigned finds that the FAP allotment was computed correctly.

Claimant further argues that while the FAP budget may be correct for a group size of 2, claimant's group is actually a group of 3, because claimant's mother lives in the household, and therefore, the budget was run using an incorrect base figure.

The Department rebuts this by presenting Department Exhibit 9, claimant's DHS-1171, Assistance Application. In this application, signed by claimant on 11-20-08, claimant states that, while claimant's mother does indeed live in the household, claimant's mother does not buy food or fix and eat meals with the rest of the household. Furthermore, on the next page, when asked what type of help claimant's mother needed, claimant answered "none (not applying)".

This application proves conclusively that claimant did not request benefits for her mother upon application, and therefore, the Department could not have included claimant's mother in any subsequent budget it ran, absent the claimant adding her mother as a member. Therefore, the Department was not in error when it did not include claimant's mother as a member of the

household FAP eligibility group. The Department was correct in running an FAP allocation budget based on a group size of 2.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department's decision to reduce the claimant's FAP allotment to [REDACTED] was correct.

Accordingly, the Department's decision is AFFIRMED.

/s/ _____
Robert J. Chavez
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 26, 2009

Date Mailed: March 26, 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 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.

RJC/cv

cc: [REDACTED]