

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: 2009-14209

Issue No: 3002

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

May 4, 2009

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 May 4, 2009. Claimant appeared and testified with the assistance of his daughter.

ISSUE

Did the Department properly calculate Food Assistance Program benefits?

FINDINGS OF FACT

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

1. On January 22, 2009 a re-determination was conducted. The Department discovered the Claimant's son was the only one in household employed and was paying all of the bills. The son is under 22 and in the household. Therefore the

Department determined his income was required to be part of the household.

When a budget was completed it resulted a reduction in FAP benefits.

2. On January 22, 2009 a notice of new FAP amount was sent to Claimant.
3. On February 2, 2009 the Claimant submitted a request for hearing.

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) 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).

In the present case Claimant disputes the amount of his FAP benefit. The Claimant disagreed with inclusion of his son's income in the household budget. The Claimant's son does in fact live in the home and his income was reported correctly at the time of the FAP budget completion. The Claimant's son is in fact under 22 years old. The Claimant was upset at the amount of FAP benefits granted for his household. The Claimant further testified the amount was lower than the amount listed on the award letter. The Department explained the Claimant's case was in collections and the Department had previously over paid the Claimant in FAP benefits and therefore his FAP monthly amount was slightly different due to the Department recouping the overpayment.

Relevant Policy PEM 212:

You must determine who is included in the Food Assistance Program (FAP) group prior to evaluating the nonfinancial and financial eligibility of everyone in the group.

To establish FAP group composition determine:

- Who lives together.
- The relationship(s) of the people who live together.
- Whether the people living together purchase and prepare food together or separately, and
- Whether the person(s) resides in an eligible living situation. (See “[LIVING SITUATIONS](#)” in this item.

RELATIONSHIPS

The relationship(s) of the people who live together affects whether they must be included or excluded from the group. First determine if they must be included in the group. If they are not mandatory group members, then determine if they purchase and prepare food together or separately.

Parents and Children

Children include natural, step and adopted children.

Parents and their children under 22 years of age who live together must be in the same group regardless of whether the child has his/her own spouse or child who lives with the group.

The Department correctly determined the Claimant’s son’s income needed to be included for FAP benefit calculation and properly determined the amount of FAP benefits based upon the income and expenses provided by the Claimant at review.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department correctly budgeted and reduced FAP benefits and it is ORDERED that the Department’s decision in this regard be and is hereby AFFIRMED.

/s/ _____
Jonathan W. Owens
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 5/27/09 _____

Date Mailed: 6/1/09 _____

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.

JWO/at

cc:

[REDACTED]