

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: 2009-14499

Issue No: 3002

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

March 23, 2009

Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was conducted on March 23, 2009. The Claimant appeared and testified along with his wife, [REDACTED], [REDACTED], [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly computed the Claimant's Food Assistance ("FAP") benefits effective 11/19/08.

FINDINGS OF FACT

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

1. The Claimant applied for FAP benefits on November 19, 2008.
2. A Food Assistance Budget was compiled dated December 2008. (Exhibit1)

3. Claimant has a household group of eight (8) persons.
4. Claimant's wife produced earnings statements showing gross earned income of [REDACTED]
5. The Claimant testified that the mortgage is [REDACTED] per month.
6. The Claimant testified that he is responsible for all utilities in his home.
7. Following the December 2008 budget, monthly FAP benefits were calculated in the amount of [REDACTED]
8. Claimant objected to the FAP calculation and filed this appeal. The Department received the Claimant's Request for Hearing on February 2, 2009.

#### 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").

The federal regulations define household income to include all earned income. 7 CFR 273.9(b). All monthly income must be converted to a nonfluctuating monthly amount. Only 80% of earned income is counted in determining FAP benefits. PEM 550. Under 7 CFR 273.9, as amended, \$135.00 is deducted from the gross income of FAP recipients in determining FAP grants. Under 7 CFR 273.9 deductions for excess shelter are also made. PEM 554. Id. There is a standard heat and utility deduction as well as a standard deduction for telephone bills. Id. The

standard deductions are a set amount that is applied regardless of the actual expenses incurred by the Claimant.

In the present case, according to the aforementioned policy on budgeting, Claimant has a net monthly income of [REDACTED]. This was obtained by subtracting the standard deduction of \$188.00 and the excess shelter amount of \$44.00 from 80% of the gross income of [REDACTED]. The amount of food assistance allotment is established by regulations at 7 CFR 273.10. A household of eight people with a net monthly income of [REDACTED] is entitled to a monthly FAP grant of [REDACTED] per month. RFT 260.

Claimant noted in his hearing request additional expenditures such as a bankruptcy settlement that is deducted directly from his wife's paycheck. These items are not considered in the federal guidelines for awarding benefits. 7 CFR 273.9. The undersigned appreciates that economic times are difficult, but finds that the Department properly calculated benefits.

Based upon the foregoing facts and relevant law, it is found that the Department's determination is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department properly calculated the Claimant's FAP allotment.

Accordingly, the Department's FAP eligibility determination is AFFIRMED.

\_\_\_\_\_/s/\_\_\_\_\_  
Jeanne M. VanderHeide  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: 03/26/09

Date Mailed: 03/27/09

**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.

JV/dj

cc:

