

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: 2009-16655

Issue No: 3015

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

April 21, 2009

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 April 21, 2009. Claimant and his mother appeared and testified.

ISSUE

Did the Department of Human Services properly deny claimant's Food Assistance Program (FAP) application due to excess income?

FINDINGS OF FACT

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

(1) On January 12, 2009, claimant submitted an application for Food Assistance Program (FAP) benefits. Claimant's benefit group consists of himself, his mother, and claimant's brother.

(2) On January 21, 2009, a financial eligibility budget was run using the income and expense information provided by claimant. That financial eligibility budget showed that

claimant was not eligible for Food Assistance Program (FAP) benefits due to excess income.

Claimant was sent notice of the department's determination.

(3) On March 11, 2009, 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 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).

During the hearing the dollar values of income and expense used in the financial eligibility budget were reviewed. Claimant stated that the dollar values used were correct. When determining eligibility for Food Assistance Program (FAP) benefits in accordance with department policy, the total income of the household must be evaluated. All earned and unearned income of each household member must be included, unless specifically excluded. Program Eligibility Manual, Item 500. The Food Assistance Program (FAP) program provides a deduction from earned income of 20% and a deduction for the cost of child care when necessary to enable a Food Assistance Program (FAP) household member to work. A standard deduction from income is allowed for each household. The amount of the standard deduction depends on the number of members in the household. Certain non-reimbursable medical expenses above [REDACTED] 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. There is a

maximum deduction for households that do not contain a member classified as a senior, disabled, or veteran. Program Eligibility Manual, Items 500 and 554; Program Reference Manual, Table 255; 7 CFR 273.2.

In this case, the Administrative Law Judge has reviewed the Food Assistance Program (FAP) budget and finds that the department properly computed the claimant's net income and expenses. 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 and income limit tables which are set forth at Program Reference Manual Tables 250 & 260. Those tables provide that a household with household size and net income of the claimant's is not eligible for a Food Assistance Program (FAP) allotment.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly denied Claimant's Food Assistance Program (FAP) application due to excess income.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHELD.

/s/

Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 22, 2009

Date Mailed: April 23, 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.

GFH [REDACTED]

cc: [REDACTED]