

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: 2009-16892
Issue No: 3002
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 22, 2009
Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Tyra L. Wright

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 22, 2009. The Claimant personally appeared and testified. A family independence manager represented the Department.

ISSUE

Did the Department properly compute the Claimant's Food Assistance (FAP) benefits?

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 is a FAP benefits recipient for a group size of three. In January 2009, Claimant received a monthly FAP allotment of \$232.
- (2) Claimant's son, a member of the FAP group, receives SSI income. In January 2009, his SSI income increased to \$688 monthly -- \$674 monthly from SSI and \$14 monthly from the State of Michigan. (Exhibits 6, 9 and 10).

- (3) A Work Number search performed in November 2008 revealed that Claimant worked at [REDACTED] in 2007 and 2008. (Exhibits 4-5). Claimant earned \$844.75 in monthly income from this employer in October 2008.
- (4) Therefore, when the Department worker calculated Claimant's February 2009 budget, the worker included the son's \$688 in RSDI income and \$844 in monthly earned income for Claimant.
- (5) The February 2009 budget resulted in a reduction in monthly FAP benefits from \$232 to \$200. The Department sent Claimant an Eligibility Notice dated January 21, 2009 to inform her that her monthly FAP allotment would be \$200 effective February 2009. (Exhibit 3).
- (6) Claimant disagrees with the Department's calculation of her February 2009 budget on the grounds that she no longer works at [REDACTED]
- (7) Claimant has not provided the Department with written verification that her job at [REDACTED] ended.
- (8) The Department received Claimant's hearing request on March 9, 2009. (Exhibit 12).

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 (formerly known as the Family Independence Agency) 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).

Federal law requires that FAP recipients meet income eligibility standards to receive benefits:

Income and deductions.

(a) *Income eligibility standards.* Participation in the Program shall be limited to those households whose incomes are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet. Households which contain an elderly or disabled member shall meet the net income eligibility standards for the Food Stamp Program. Households which do not contain an elderly or disabled member shall meet both the net income eligibility standards and the gross income eligibility standards for the Food Stamp Program. Households which are categorically eligible as defined in §273.2(j)(2) or 273.2(j)(4) do not have to meet either the gross or net income eligibility standards. The net and gross income eligibility standards shall be based on the Federal income poverty levels established as provided in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)). (7 CFR 273.9)

SUPPLEMENTAL SECURITY INCOME

(SSI) All Programs

Michigan SSI benefits include a basic federal benefit and an additional amount paid with state funds. The amount paid by the state and the payment process varies by living arrangement. See PEM 660. For SSI recipients in independent living or household of another, refer to “[Current SSA-Issued SSI](#)”, “[Retroactive SSA-Issued SSI](#)” and “[State SSI Payments](#)” below. For SSI recipients in other living arrangements, refer to just “[Current SSA-Issued SSI](#)” and “[Retroactive SSA-Issued SSI](#)”.

Current SSA-Issued SSI

SDA, CDC, AMP and FAP Only

Count the gross amount of current SSA-issued SSI as unearned income. (PEM 500, pg. 33)

Under PEM 500, all income that is “NOT specifically excluded” must be considered in calculating FAP benefits. (PEM 500, pg.1). SSI is not excluded income. In addition, PEM 500

requires the Department to “count the gross” SSI benefit amount as unearned income. Therefore, in this case, the Department properly counted \$688, the gross amount of the son’s SSI income when calculating Claimant’s February 2009 FAP budget. Claimant contends that that her job at [REDACTED] ended in 2008 but did not provide the Department with documentation that her job ended. Therefore, the Department included her monthly earned income of \$844 in the FAP budget. Consequently, it is found that the Department properly calculated Claimant’s February 2009 FAP budget based on the information available to the Department at the time. The undersigned has reviewed the February 2009 budget and finds it to be correct.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department properly computed Claimant’s FAP benefits for February 2009.

Accordingly, the Department’s action is AFFIRMED.

/s/ _____
Tyra L. Wright
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 04/28/09

Date Mailed: 04/29/09

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.

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