

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.: 2009-196
Issue No.: 2001/3002
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
May 4, 2009
Macomb County DHS (20)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on May 4, 2009. The Claimant personally appeared and testified.

ISSUES

Did the Department correctly calculate the Claimant's Food Assistance (FAP), benefits and deny her Adult Medical Program (AMP) due to excess income?

FINDINGS OF FACT

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

- (1) The Claimant was an ongoing AMP and FAP recipient. The group size is one (1).
- (2) On July 7, 2008, the Department received an employment verification form was received by the department showing that the claimant was employed at [REDACTED]. (Department exhibit 6).

- (3) On July 10 2008, the department ran a FAP budget reflecting the above earned income and listing the claimant's new FAP benefit as \$10.00 per month. (Department exhibit 2).
- (4) On July 10 2008, the department sent the claimant a notice that her AMP would be cancelled for excess income.
- (5) On July 15, 2008, the Claimant filed a request for a hearing contesting her FAP benefit and the closing of her AMP.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, et seq., and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

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 Tables (PRT).

The Adult Medical Program (AMP) is established by Title XXI of the Social Security Act; (1115) (a) (1) of the Social Security Act, and is administered by the Department of Human Services (formerly known as the Family Independence Agency) pursuant to MCL 400.10, et

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

The Claimant questions the amount of her FAP allotment. The Claimant has a net income of \$777.00 per month. This was obtained by subtracting the standard deduction of \$125.00 and the excess shelter amount of \$418.00 from the adjusted gross income of \$1,195.00.

The amount of a monthly FAP allotment is established by regulations at 7 CFR 273.10. A household of one person with a net monthly income of \$777.00 was entitled to a monthly FAP grant of \$10.00 per month. (RFT 260, p. 7)

The AMP monthly income limit was \$304.00. (RFT 236, p.1).

This ALJ finds that the department was correct in its calculation of the claimant's FAP and correct in closing the claimant's AMP.

DECISION AND ORDER

The Administrative Law Judge based on the above findings of fact and conclusions of law, AFFRIMS the Department's actions finding that the claimant is receiving the correct monthly FAP allotment and that the department correctly closed the claimant's AMP.

/s/
Michael J. Bennane
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 06/16/09

Date Mailed: 06/17/09

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.

MJB/jlg

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