

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: 2009-20519

Issue No: 3015

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

June 3, 2009

Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Steven M. Brown

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 telephone hearing was conducted from [REDACTED] on June 3, 2009.

ISSUE

Whether the Department properly terminated Claimant's Food Assistance Program (FAP) benefits?

FINDINGS OF FACT

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

- (1) Claimant is a FAP recipient.
- (2) On March 2, 2009, Claimant returned her Semi-Annual Contact Report to the Department. (Exhibit 3)

(3) On March 27, 2009, the Department completed a FAP budget based on the information reported by Claimant which resulted in a monthly FAP allotment of [REDACTED] due to excess income. (Exhibits 1a, 1b)

(4) On March 27, 2009, the Department notified Claimant of the negative action in regard to her FAP benefits. (Exhibit 2)

(5) On April 14, 2009, the Department received Claimant's hearing request protesting the termination of her FAP benefits.

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. Departmental policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM), and the Program Reference Manual (PRM).

For FAP purposes, all earned and unearned income available to the Claimant is countable. Earned income means income received from another person or organization or from self-employment for duties that were performed for remuneration or profit. Unearned income means ALL income that is not earned and includes FIP, RSDI, SSI and UB. The amount counted may be more than the client actually receives because the gross amount is used prior to any deductions. PEM 500

The Department determines a client's eligibility for program benefits based on the client's actual income and/or prospective income. Actual income is income that was

already received. Prospective income is income not yet received but expected.

Prospective budgeting is the best estimate of the client's future income. PEM 505

All income is converted to a standard monthly amount. If the client is paid weekly, the Department multiplies the average weekly amount by 4.3. If the client is paid every other week, the Department multiplies the average bi-weekly amount by 2.15.

PEM 505

In the instant case, the Claimant agreed with the income and expense figures the Department used in completing the March 27th FAP Budget with the exception of including earnings from [REDACTED] who she stated no longer lived with her as of the middle of February 2009. However, Claimant reported on the Semi-Annual Contact Report, signed by her on February 24, 2009, that [REDACTED] lived in her household. Claimant stated that she left a message for her caseworker when he moved out in mid February 2009, but the Department has no record of the call and Claimant's explanation as to why she still listed [REDACTED] on the Semi-Annual Contact Report – that she thought she it was based on the previous 30 days - was not satisfactory. With that said, the Department established that it acted in accordance with policy in terminating Claimant's FAP benefits.

It should be noted that Claimant received her March FAP benefits and then she reapplied for FAP benefits on April 3, 2009 without [REDACTED] as part of the group. According to the Department, the application was recently process and Claimant will be receiving the same FAP allotment for April 2009 as she would have had she not included [REDACTED] on the Semi-Annual Contact Report.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department acted in accordance with policy in terminating Claimant's FAP benefits.

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

/S/

Steven M. Brown
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 9, 2009

Date Mailed: June 9, 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.

SMB/db

cc:

[REDACTED]