

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.: 2009-25548
Issue No.: 3002, 2001
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
July 27, 2009
Wayne County DHS (15)

ADMINISTRATIVE LAW JUDGE: Colleen Lack

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice a telephone hearing was held on July 27, 2009 and claimant was not represented.

ISSUES

1. Is claimant receiving the correct monthly Food Assistance Program (FAP) allotment?
2. Did the department properly deny claimant's Adult Medical Program (AMP) application?

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 was FAP recipient in a household of one person.
2. On April 28, 2009 claimant filed a new application for his FAP review and also requested AMP benefits.

3. Claimant receives \$284 in gross income every two weeks which consists of unemployment compensation benefits income. (Exhibit 3)
4. Claimant has an obligation for shelter and telephone services. (Exhibits 5 and 6)
5. The department determined that claimant is entitled to \$57.00 in FAP benefits per month. (Exhibit 5)
6. The department denied the AMP application for excess income.
7. Claimant requested a hearing contesting the amount of the FAP grant and the denial of the AMP benefits.

CONCLUSIONS OF LAW

Food Assistance (FAP)

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 unemployment compensation benefit income. 7 CFR 273.9(b). Stable income received every two weeks is multiplied by 2.15 to take into account fluctuations due to the number of scheduled pays in a month. PEM 505. Under 7 CFR 273.9, as amended, \$135 is deducted from the gross income of FAP recipients in determining FAP grants. Under 7 CFR 273.9 deductions for excess shelter expenses are also made when shelter expenses in excess of 50 percent of the household’s income after other

specified deductions have been allowed. A standard deduction for telephone services may also be allowed. PEM 554.

In the present case, according to the aforementioned policy on budgeting, claimant has a net monthly income of \$475. This was obtained by subtracting the standard deduction of \$135 from the gross income of \$610. Claimant's bi-weekly income of \$284 was multiplied by 2.15 to determine his gross monthly income of \$610. Claimant did not qualify for an excess shelter deduction as his shelter expenses of \$233 (\$200 rent plus \$33 telephone) were not in excess of \$237 (50 percent of \$475, income after prior deductions were made.) The amount of a monthly food assistance allotment is established by regulations a 7 CFR 273.10. A household of one person with a net monthly income of \$475 is entitled to a monthly FAP grant of \$57 per month. RFT 260.

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

Adult Medical Program (AMP)

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 (DHS or department) 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 Adult Medical Program (AMP) is available to individuals who meet all the eligibility factors in this item. Income eligibility exists when the program group's net income does not exceed the program group's AMP income limit. PEM 640. The gross benefit amount of unemployment compensation benefits is counted toward net income. PEM 500. For the AMP

program, biweekly income is multiplied by 2 as an income from an extra check for a month is not budgeted. PEM 640. The income limit for a group of one person is \$316. RFT 236.

In the present case, according to the aforementioned policy on budgeting, claimant has a net monthly income of \$568. Claimant's gross bi-weekly income of \$284 was multiplied by 2 to determine his net monthly income of \$568. Claimant's net monthly income of \$568 exceeds the \$316 income limit for his group size.

Based upon the foregoing facts and relevant law, it is found that the department's AMP denial is AFFIRMED.

DECISION AND ORDER

The ALJ bases upon the findings of fact and conclusions of law decide that the claimant is receiving the correct monthly FAP allotment and that department properly denied the AMP application for excess income. It is ordered that the Department's decision in this regard be and is hereby AFFIRMED.

/s/

Colleen Lack
Administrative Law Judge
For Ishmael Ahmed, Director
Department of Human Services

Date Signed: 08/26/09

Date Mailed: 08/27/09

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 the Circuit 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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