

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.: 2009-30553  
Issue No.: 3003  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date:  
August 24, 2009  
Wayne County DHS (18)

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was held on August 24, 2009. The Claimant appeared and testified. [REDACTED] FIS and [REDACTED] FIM appeared on behalf of the Department.

ISSUE

Did the Department properly deny claimant's application for FAP benefits for July 2009?

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 July 14, 2009 claimant applied for FAP benefits.
2. A food assistance budget was completed on July 14, 2009. (Exhibit 2, p. 1).
3. Claimant had household gross income of \$2479.

4. On July 14, 2009 an eligibility notice was issued informing claimant that his allotment equaled zero because of excess income.
5. On July 16, 2009 Claimant requested hearing requesting review of his eligibility determination, questioning why his expenses were not included.

#### CONCLUSIONS OF LAW

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 all earned income. 7 CFR 273.9(b). All monthly income must be converted to a nonfluctuating monthly amount. Only 80% of earned income is counted in determining FAP benefits. PEM 550. Under 7 CFR 273.9, as amended, \$163.00 is deducted from the gross income of FAP recipients in determining FAP grants. The federal regulations define household income to include unemployment compensation benefit income. 7 CFR 273.9(b). The federal regulations define household income to include child support payments received. 7 CFR 273.9(b)(2)(iii) A non-categorically eligible Senior/Disabled/Veteran (SDV) FAP group must have income below the gross income limits. PEM 550

In the present case, the household had gross earned income of \$2479. The gross income limit for a 2 person household is \$1517. RFT 250 It appears that the department mistakenly used

the monthly categorical income limit for enhanced domestic violence authorization which has a limit of \$2,334, although claimant was over this limit as well. RFT 250 Claimant has significant child support and transportation expenses but since he is over the gross income limit those expenses are not included in the calculation of eligibility.

Although the Claimant believed he was eligible for FAP benefits, the Claimant did not disagree with the earnings used to calculate his eligibility. The Department established that it acted in accordance with departmental policy in determining the Claimant's FAP eligibility. Accordingly, the Department's FAP determination was correct.

It is found that the Department's determination is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department properly determined the Claimant's FAP eligibility.

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

/s/

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Aaron McClintic  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: 08/28/09

Date Mailed: 08/31/09

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.

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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.

AM/jlg

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