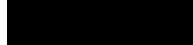


STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Claimant

Reg. No.: 2009-31321
Issue No.: 2001/3002
Case No.:
Load No.:
Hearing Date:
September 10, 2009
Wayne County DHS (18)

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 September 10, 2009. The Claimant personally appeared and testified.

ISSUE

Did the Department correctly calculate the Claimant's Food Assistance (FAP), benefits and deny his Adult Medical Program (AMP)?

FINDINGS OF FACT

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

- (1) On June 8, 2009, the applied for AMP and FAP. The group size is one (1).
- (2) On July 2, 2009, the Department received an unemployment verification showing that the claimant was receiving \$322.00 per week. (Department exhibit 6).

- (3) On July 2 2009, the department ran a FAP budget reflecting the above unearned income and listing the claimant's new FAP benefit as \$20.00 per month. (Department exhibit 2).
- (4) On July 2, 2009, the department sent the claimant a notice that his AMP was denied because the program was frozen effective May 30, 2009.
- (5) On July 28, 2009, the Claimant filed a request for a hearing contesting her FAP benefit and the closing of her AMP.

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 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 his 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 597.00.

A household of one person with a net monthly income of \$597.00 was entitled to a monthly FAP grant of \$20.00 per month. (RFT 260, p. 6)

AMP was closed at the time the claimant applied.

ENROLLMENT FREEZE INSTRUCTIONS

Specialists must send or give the client a DHS-283, Adult Medical Program Eligibility Notice to inform them of the freeze.

Applications received during the freeze on AMP enrollments must be registered and denied using disposition code 529/209, “applicant did not meet other eligibility requirements not covered by codes 203-208 (non-financial).” (PEM 640, p.1).

This ALJ finds that the department was correct in its calculation of the claimant’s FAP and correct in denying 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 denied the claimant’s AMP application.



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

Date Signed: 11/10/09

Date Mailed: 11/10/09

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

cc:

