

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: 2010-30280

Issue No: 3002,1015

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

June 3, 2010

Macomb County DHS (20)

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

DECISION AND ORDER

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 June 3, 2010. The Claimant appeared and testified. [REDACTED] ES appeared on behalf of the Department.

ISSUE

Was the Department correct in determining Claimant's FIP and FAP benefits?

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 an on going recipient of FIP and FAP benefits.
- (2) On March 31, 2010 the Department determined that Claimant's FAP benefit would be reduced to \$400 per month and her FIP benefit would be reduced to \$420 because Claimant began receiving supplement security income.

- (3) Claimant receives \$674 per month in supplemental security income from the social security administration.
- (4) Claimant requested a hearing on March 17, 2010 contesting the reduction of FIP and FAP benefits.

#### 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 Bridges Administrative Manual (“BAM”), the Bridges Eligibility Manual (“BEM”), and the Program Reference Manual (“PRM”).

The Family Independence program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq*. The Department of Human services (DHS or Department) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependant Children (ADC) program effective October 1, 1996. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) 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. BEM 550. Under 7 CFR 273.9,

as amended, \$132.00 is deducted from the gross income of FAP recipients in determining FAP grants.

In the present case, according to the aforementioned policy on budgeting, Claimant has \$1108 unearned income from social security benefits, state supplement and her FIP grant. Subtracting \$144 for a standard deduction from \$1768 results with \$964 adjusted gross income. Claimant qualified for an excess shelter deduction of \$73 as her shelter expenses \$555 was in excess of \$482 (50 percent of \$964, income after prior deductions were made.) by \$73. Subtracting \$409 from \$1575 results with \$1166 net income. A household of 4 with a net monthly income of \$891 is entitled to a monthly FAP grant of \$400 per month. RFT 260. Therefore the Department's determination of FAP benefits is correct.

In the present case, as it relates to her FIP benefits, according to the aforementioned policy on budgeting, the payment standard for a FIP ineligible grantee for a 3 person household is \$420. RFT 210 This is the amount determined by the Department and it is correct.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department properly calculated the Claimant's FIP and FAP benefits, and it is ORDERED that the Department's decision in this regard be and is hereby AFFIRMED.



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

Date Signed: 06/23/2010

Date Mailed: 06/23/2010

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.

AM/cjp

cc:

