

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.: 2010-10544
Issue No.: 3003
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
January 13, 2010
Oakland County DHS (4)

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 January 13, 2010. The Claimant appeared and testified. [REDACTED] FIM and [REDACTED] appeared on behalf of the Department.

ISSUE

Has the Department properly determined Claimant's Food Assistance benefits?

FINDINGS OF FACT

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

- (1) Claimant applied for FAP June 16, 2009.
- (2) The department determined claimant's FAP benefit to be \$16 per month effective July 1, 2009.
- (3) Claimant has income of \$1635 per month consisting of worker's compensation benefits.
- (4) Claimant's shelter expense is \$1433.

- (5) Claimant's shelter expenses that she disclosed on her application were not included in the calculation of her FAP benefits.
- (6) Claimant requested a hearing on September 18, 2009 contesting the determination of her FAP benefits, raising issues concerning her expenses.

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").

Bridges uses certain expenses to determine net income for FAP eligibility and benefit levels. For groups with **no** senior/disabled/disabled veteran (SDV) member Bridges uses the following: Dependent care expense. Excess shelter up to the maximum in RFT 255. Court ordered child support and arrearages paid to non-household members. BEM 554

In the present case, Claimant applied for FAP benefits disclosing Shelter Expenses in paragraph R of her application. These shelter expenses were not included in the Department's calculation of FAP benefits as required by Department policy. BEM 554 The Department determined that Claimant had \$73.65 shelter expense and was not entitled to an excess shelter deduction, this is incorrect. Claimant stated on her application and credibly testified at hearing that her mortgage payment was \$883.74 per month and that she is responsible for all utilities. However, the maximum excess shelter deduction of \$446 would reduce Claimant's net income to

\$1041 and the benefit amount for \$1041 for a 1 person household is still \$16. RFT 260 This is the benefit 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 decides that the Department was correct in the determination of FAP benefits, and it is ORDERED that the Department's decision in this regard be and is hereby AFFIRMED.



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

Date Signed: 3/24/2010

Date Mailed: 3/24/2010

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.

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