

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: 2010-14545

Issue No: 3003,3014

Case No:

[REDACTED]

Load No:

Hearing Date:

February 8, 2010

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon pursuant to MCL 400. 9; MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was held on February 8, 2010. The Claimant appeared and testified along with her husband [REDACTED]. [REDACTED] FIM appeared on behalf of the Department.

ISSUE

Is the Department correct in determining Claimant's FAP benefit?

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 applied for FAP on September 9, 2009.
- (2) The Department determined Claimant's FAP benefit to be \$256 for the month of September 2009.

- (3) Claimant has unearned income of \$3328 per month consisting of unemployment benefits.
- (4) Claimant has shelter expense of \$2037.
- (5) On November 9, 2009 the Department determined that Claimant had excess income for the FAP program and her case was closed.
- (6) Claimant requested a hearing on December 8, 2009 contesting the closure of her 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 Program Administrative Manual (“PAM”), the Program Eligibility Manual (“PEM”), and the Program Reference Manual (“PRM”). BEM 222 states that a person cannot be a member of more than one FAP certified group in any month BEM 222.

In the present case, Claimant’s household has \$3328 unearned income from unemployment benefits. Maya Oliver was not included in the household because she is eligible for this program in another case. BEM 222. The monthly income limit for the FAP program is \$1579 for a household of 2 people. RFT 250 Consequently, Claimant has excess income and is ineligible for FAP benefits. This was the determination 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.

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

Date Signed: March 25, 2010

Date Mailed: March 25, 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/ctl

Cc;

