

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: 2010-17936

Issue No: 2001; 3002

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

March 10, 2010

Ottawa County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a three-way telephone hearing was held on March 10, 2010. Claimant personally appeared and testified from her home.

ISSUES

1. Did the department correctly determine the amount of Food Assistance Program (FAP) benefits claimant was entitled to receive effective November 1, 2009?

2. Did the department correctly determine that the claimant had excess income for Adult Medical Program (AMP), resulting in termination of this program effective December 1, 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. Claimant was a recipient of FAP and AMP benefits when she submitted a Semi-Annual Contact Report on September 25, 2009, stating that she earned \$1132.00 in August, 2009 and \$919.00 in September, 2009 in self-employment income as a cosmetology/receptionist.

2. Department computed a FAP budget based on \$849.00 monthly self-employment income, which, after earned income deduction, resulted in FAP benefit amount of \$35 per month.

3. Department also computed a new AMP budget and determined that claimant's income exceeded AMP income level for one person of \$316 per month.

4. Department mailed the claimant a notice on October 22, 2009, that her AMP benefits will terminate on December 1, 2009, and that her FAP benefits will be reduced to \$35 per month effective November 1, 2009.

5. Claimant requested a hearing on January 6, 2010.

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 (DHS or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

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 (DHS or department) pursuant to MCL 400.10, *et seq.* Department policies are

contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

FAP and AMP budgets were reviewed with the claimant during the hearing. Claimant understands now how the department computed these budgets. Claimant however states that she did not report a self-employment expense for a chair rental at the saloon she works at of \$150 per week. Claimant will provide verification of this expense as soon as possible so it can be included in her FAP budget and hopefully result in increase in her FAP benefits effective April 1, 2010.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly computed the amount of FAP benefits claimant received effective November 1, 2009, and also correctly terminated her AMP benefits effective December 1, 2009 due to excess income.

Accordingly, department's action is AFFIRMED, and it is SO ORDERED.

/s/ _____
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 30, 2010

Date Mailed: April 6, 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.

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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.

IR/om

cc:

