

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: 2010-24756
Issue No: 3002, 6021
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
5/11/2010
Midland County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on March 1, 2010. After due notice, a telephone hearing was held on Tuesday, May 11, 2010.

ISSUES

- (1) Whether the Department of Human Services (Department) properly determined the Claimant's Food Assistance Program (FAP) eligibility?
- (2) Whether the Department properly determined the Claimant's Child Development and Care (CDC) eligibility?

FINDINGS OF FACT

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

- (1) The Claimant receives FAP and CDC benefits.
- (2) The Claimant received paychecks on January 29, 2010, in the gross amount of [REDACTED], and on January 15, 2010, in the gross amount of [REDACTED].

(3) The Department completed a FAP budget that determined that the Claimant was entitled to a monthly FAP allotment of [REDACTED]

(4) The Department completed a CDC budget that determined that the Claimant was entitled to an 80% CDC subsidy.

(5) The Department received the Claimant's request for a hearing on March 1, 2010, protesting the reduction of her FAP and CDC benefits.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (formerly known as the Food Stamp 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), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

The Child Development and Care program is established by Titles IVA, IVE, and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department of Human Services (DHS or Department) provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

For FAP purposes, all earned and unearned income available to the Claimant is countable. Earned income means income received from another person or organization or from self-employment for duties for duties that were performed for compensation or profit. Unearned income means all income that is not earned, including but not limited to funds received from the Family Independence Program (FIP), State Disability Assistance (SDA), Child Development and Care (CDC), Medicaid (MA), Social Security Benefits (RSDI/SSI), Veterans Administration (VA), Unemployment Compensation Benefits (UCB), Adult Medical Program (AMA), alimony, and child support payments. The amount counted may be more than the client actually receives because the gross amount is used prior to any deductions. BEM 500.

The Department determines a client's eligibility for program benefits based on the client's actual income and/or prospective income. Actual income is income that was already received. Prospective income is income not yet received but expected. Prospective budgeting is the best estimate of the client's future income. BEM 505.

All income is converted to a standard monthly amount. If the client is paid weekly, the Department multiplies the average weekly amount by 4.3. If the client is paid every other week, the Department multiplies the average bi-weekly amount by 2.15. BEM 505.

The Department completed a CDC budget to determine the level of CDC subsidy the Claimant was entitled to receive. The Claimant received two paychecks during the month of January 2010, in the gross amounts of [REDACTED], and [REDACTED], which when averaged and multiplied by the 2.15 conversion factor determined her total gross monthly income of [REDACTED].

A person with a gross income of [REDACTED] is entitled to a CDC subsidy of 80%. RFT 270. I find that the Department has established that it acted in accordance with policy determining the Claimant's CDC subsidy level.

The Department completed a FAP budget to determine the level of FAP benefits the Claimant was entitled to receive. The Claimant received two paychecks during the month of January 2010, in the gross amounts of [REDACTED] and [REDACTED], which when averaged and multiplied by the 2.15 conversion factor determined her total gross monthly income of [REDACTED]. An adjusted gross income of [REDACTED] was determined by subtracting a 20% earned income credit and a [REDACTED] standard deduction. The Claimant's net income of [REDACTED] was determined by subtracting her excess shelter deduction of [REDACTED] from her adjusted gross income.

A claimant with a group size of three and a net income of [REDACTED] is entitled to a FAP allotment of [REDACTED], which is the amount of FAP benefits granted to the Claimant for this period. RFT 260. I find that the Department has established that it acted in accordance with policy determining the Claimant's FAP allotment.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department has established that it acted in accordance with policy determining the Claimant's CDC eligibility and FAP eligibility.

The Department's CDC and FAP eligibility determinations are AFFIRMED. It is SO ORDERED.

/s/

Kevin Scully
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: May 20, 2010

Date Mailed: May 21, 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.

KS/vc

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