

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: 2010-25425

Issue No: 3002

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

May 27, 2010

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 hearing was held on May 27, 2010. Claimant appeared and testified.

ISSUE

Did the Department properly calculate Food Assistance Program benefits?

FINDINGS OF FACT

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

1. On February 10, 2010, a re-determination was conducted. The Department completed a FAP budget and determined FAP benefits to be \$16 a month.
2. On February 10, 2010, a notice of the FAP benefits was sent to the Claimant.
3. On February 19, 2010, the Claimant submitted a request for hearing.

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) administers the FAP program pursuant to MCL 400.10, et seq., and MAC R 400.3001-3015. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

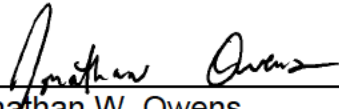
In the present case, Claimant disputes the amount of her FAP benefit. The Department calculated benefits based upon the income and expenses provided to the Department. The Department determined, at the time of the review, the Claimant was receiving \$1664 gross in unearned income from unemployment benefits. The Department removed the standard deduction of \$132 from the gross unearned income and determined the Claimant's adjusted gross to be \$1532. The Department utilized the Claimant's house payment of \$896.40 and gave the Claimant the maximum heat and utility deduction of \$555. Once completing the calculations, the Department determined the Claimant was only eligible for \$16 out of the maximum single person allowance of \$176.

The Department correctly determined the Claimant's FAP budget. Therefore, the Department's determination of FAP benefits is UPHELD.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department correctly budgeted FAP benefits, and it is

ORDERED that the Department's decision in this regard be and is hereby AFFIRMED.



Jonathan W. Owens
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 06/18/10

Date Mailed: 06/18/10

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.

JWO/dj

cc:

