

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.: 2010-25492
Issue No.: 3002, 3015
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
April 5, 2010
Macomb County DHS (20)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and 400.37 and Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan, on April 5, 2010. Claimant did not appear. Claimant's wife, [REDACTED], appeared as Claimant's representative and testified on his behalf. [REDACTED], appeared and testified on behalf of the Department of Human Services (DHS).

ISSUE

Whether DHS properly terminated Claimant's Food Assistance Program (FAP) benefits on January 29, 2010, due to excess family income?

FINDINGS OF FACT

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

1. On June 28, 2009, Claimant began receiving Unemployment Insurance (UI) benefits.
2. On July 1, 2009, Claimant began receiving FAP benefits of \$226 per month.
3. On August 5, 2009, Claimant's wife, [REDACTED], began receiving State of Michigan Home Help income of \$361.20 per month to provide home health care for the couple's disabled son, [REDACTED].
4. On August 31, 2009, Claimant went to work for the [REDACTED], and earned \$728.21 gross income per week.
5. On November 1, 2009, Claimant began receiving Michigan Department of Community Health Family Support Subsidy Program (FSSP) benefits of \$222.11 per month for his son, [REDACTED].
6. On December 1, 2009, Claimant's son [REDACTED] Supplemental Security Income was reduced to \$340.25 per month due to Claimant's wages in October, 2009, of \$3,157.40.
7. On or about December 31, 2009, DHS conducted a semi-annual review of Claimant's FAP benefits and learned that Claimant's earned and unearned income had changed since Claimant began receiving FAP benefits in July, 2009.
8. On January 29, 2010, Claimant's FAP benefits were terminated effective that day based on the fact that the family's income exceeded the maximum income allowed for the receipt of FAP benefits.
9. Claimant disputes the calculation of the FAP group income, stating that the amount of Claimant's and his wife's earned income is more than they actually earned.

10. Claimant's family group size is six (6).
11. DHS did not include the son's FSSP benefits of \$222.11 per month in its income calculation.
12. Claimant requested a hearing in a written Notice to DHS dated February 9, 2010.

CONCLUSIONS OF LAW

FAP was established by the Food Stamp Act of 1977 and is implemented by Federal regulations found in Title 7 of the Code of Federal Regulations (CFR). DHS administers FAP pursuant to MCL 400.10 *et seq.* and Michigan Administrative Code Rules 400.3001-3015. DHS' FAP policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT). These manuals are available online at www.mich.gov.

In this case, DHS reduced Claimant's FAP benefits based on his family's income. BEM 500 states that income is a benefit or payment received by an individual which is measured in money. Earned income is income received from another person or organization or from self-employment for duties that were performed for remuneration or profit. Unearned income is all income that is not earned. Gross income is the amount of income before any deductions such as taxes or garnishments. Gross income may be *more* than the actual amount an individual receives. BEM 500, p. 3; *see also*, BEM 503.

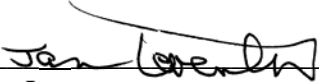
BEM Item 505 states that a group's financial eligibility and monthly benefit amount are determined by converting the person's income to a standard monthly amount. The use of a conversion formula creates a monthly income figure that will not fluctuate (change) from month to month, making benefits more regular and predictable. A month is considered to be 4.3 weeks for purposes of this calculation. So, if a person has a weekly income, that amount of money is

multiplied by 4.3 weeks to arrive at a monthly income amount. Similarly, if a person has a biweekly income, that number is multiplied by 2.15 weeks and the result is multiplied by 2 in order to arrive at a standardized monthly income figure. BEM 505, pp. 1, 6-7. I conclude that Claimant's countable income was calculated using the proper standardization formula in BEM 505.

I find that DHS calculated Claimant's countable income correctly. In this case, Claimant's earned income, his spouse's earned income, and his son's unearned Supplemental Security Income were counted as family income. I find all of these are countable as income under the agency policy above, BEM 500. Also, I conclude that the Department correctly excluded as income the FSSP subsidy from the Michigan Department of Community Health. I find that DHS followed its policies and procedures in this process. DHS' action in this case is, accordingly, AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that DHS is AFFIRMED. DHS need take no further action.



Jan Leventer
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 14, 2010

Date Mailed: April 15, 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

2010-25492/JL

motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

JL/pf

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