

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.: 2010-2796
Issue No.: 3002
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
November 19, 2009
Wayne County DHS (18)

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 November 19, 2009 claimant was present and testified, [REDACTED] FIM and [REDACTED] appeared for the department and testified.

ISSUE

Did the Department properly reduce claimant's FAP benefits?

FINDINGS OF FACT

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

- (1) Claimant was an ongoing FAP recipient.
- (2) Pursuant to a computer update FAP were redetermined and reduced to \$44.
- (3) Claimant has unearned income of \$1109 in social security disability.
- (4) Claimant has shelter expense of \$2009 per month.

- (5) Claimant requested a hearing on September 28, 2009 regarding the reduction of 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”).

The federal regulations define household income to include unearned income. 7 CFR 273.9(b). Under 7 CFR 273.9, as amended, \$135 is deducted from the gross income of FAP recipients in determining FAP grants. Under 7 CFR 273.9 deductions for excess shelter expenses are also made when shelter expenses in excess of 50 percent of the household’s income after other specified deductions have been allowed. A standard deduction for telephone services may also be allowed. PEM 554.

In the present case, according to the aforementioned policy on budgeting, claimant has a net monthly income of \$518. This was obtained by subtracting the standard deduction of \$132 from the gross income of \$1109 resulting with \$977. Claimant also qualified for an excess shelter deduction of \$459 as her shelter expenses of \$2009 (\$1453 mortgage plus \$555 utility) was in excess of \$554 (50 percent of \$1109, income after prior deductions were made.) Subtracting \$459 from \$977 results with \$518. The amount of a monthly food assistance allotment is established by regulations a 7 CFR 273.10. A household of one person with a net

monthly income of \$518 is entitled to a monthly FAP grant of \$44 per month. RFT 260.

Therefore the Department's determination of benefits 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.



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

Date Signed: 12/09/09

Date Mailed: 12/09/09

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.

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