

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.: 201029777

Issue No.: 1017, 3003

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

May 27, 2010

Wayne DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was held on May 27, 2010. The Claimant appeared, with household member [REDACTED], and testified. [REDACTED], FIM and [REDACTED], FIS appeared and testified for the Department.

ISSUE

Was the Department correct in reducing Claimant's Food Assistance and Family Independence Program benefits?

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 an on-going recipient of FAP and FIP benefits.
- (2) On April 1, 2010 Claimant's FAP benefit was reduced to \$387 and her FIP benefit was reduced to \$10 under the Extended FIP program

- (3) Household member [REDACTED] has \$1507 gross employment income per month.
- (4) Claimant requested hearing on April 1, 2010 contesting the reduction of FAP and FIP 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”), formerly 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 Bridges Administrative Manual (“BAM”), the Bridges Eligibility Manual (“BEM”), and the Program Reference Manual (“PRM”).

The Family Independence program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* The Department of Human services (DHS or Department) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependant Children (ADC) program effective October 1, 1996. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference manual (PRM).

Families receive EFIP for up to six months, with a grant of \$10, when loss of FIP eligibility relates to income from employment of a FIP program group member. BEM 519.

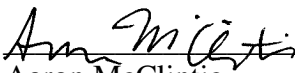
In the present case, Household member [REDACTED] was working at [REDACTED] [REDACTED] earning \$1507 a month. The Department calculated monthly income of \$1507 by

averaging [REDACTED] income pursuant to department policy. BEM 505. For FIP budgeting there is a \$200 disregard and a 20% disregard resulting in \$1045 budgetable income. BEM 518. The payment standard for a three person household is \$492. RFT 210. Claimant's FIP benefit is determined by subtracting budgetable income from the payment standard  $\$492 - \$1045 = \$-553$ . BEM 518. Due to excess income Claimant's FIP grant is reduced to \$10 under the extended FIP program. Claimant did not raise issue with regard to her FAP benefits at hearing.

The Department properly calculated Claimant's FIP and FAP benefits according to Department policy and procedures.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department correctly determined Claimant's FAP and FIP benefits and is hereby AFFIRMED.

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

Date Signed: June 17, 2010

Date Mailed: June 17, 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 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.

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cc:

