

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.: 201032579

Issue No.: 3015,3014

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

May 24, 2010

SSPC-East

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 24, 2010. The Claimant appeared and testified. [REDACTED], FIM and [REDACTED] appeared on behalf of the Department.

ISSUE

Was the Department correct in denying Claimant's Food Assistance application?

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 applied for FAP benefits online in February 2010.
- (2) Claimant's household has \$4768 gross earned employment income.
- (3) Claimant's application for Food Assistance was denied for excess income on March 3, 2010.

- (4) Claimant requested a hearing on February 3, 2010 contesting the denial of 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”).

In the present case, Claimant’s household has \$4768 gross income from employment. Claimant confirmed this amount of income at hearing. The gross income limit for a household of 3 is \$1984. RFT 250. Claimant’s is over the gross income limit by \$2784.

An issue was raised at hearing with regard to Claimant’s stepson, [REDACTED], being included in the household. The Claimant’s husband shares equal parenting time with [REDACTED] mother. Department policy states that if the child spends virtually half of the days in each month, averaged over a twelve-month period with each caretaker, the caretaker who applies and is found eligible first, is the primary caretaker. BEM 212. [REDACTED] is included in his mother’s household and already receives FAP benefits in that household. The Department was correct to not include [REDACTED] in Claimant’s household, because he is already receiving benefits in his mother’s household.

Regardless of whether [REDACTED] was included in Claimant's household, Claimant would not be eligible for Food Assistance because of excess income. The gross income limit for a 4 person household is \$2389.

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 denial of Claimant's Food Assistance Program application, and it is ORDERED that the Department's decision in this regard be and is hereby AFFIRMED.

/s/ *Aaron McClintic*

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

Date Signed: June 9, 2010

Date Mailed: June 9, 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.

AM/htw

cc:

[REDACTED]