STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: ██████████,

Claimant

Reg. No.: 2010-32829
Issue No.: 3015
Case No.: ████████
Load No.: ████████
Hearing Date:
May 26, 2010
Macomb County DHS (12)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 telephone hearing was conducted from Detroit, Michigan on May 26, 2010. Claimant appeared and testified. On behalf of Department of Human Services (DHS), ████████████, Specialist, appeared and testified.

ISSUE

Whether DHS properly denied Claimant's request for Food Assistance Program benefits due to excess income.

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 Food Assistance Program (FAP) benefits on 3/8/10.

2. Claimant's gross employment income in the 30 days prior to her application date included checks for $1072.34 on 3/5/10 and $941.67 on 2/19/10. Exhibit 2.

3.   DHS calculated Claimant's monthly gross income to be $2165. Exhibit 3.

4.   DHS denied Claimant's request for FAP benefits due to Claimant's income exceeding the

        FAP income gross income limits.

5.   Claimant submitted a hearing request on 4/8/10 regarding denial of the 3/8/10 request for

        FAP benefits.

CONCLUSIONS OF LAW

The Food Assistance Program (formerly known as the Food Stamp 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 (formerly known as the Family Independence Agency) administers the FAP

program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are

found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and

the Reference Tables Manual (RFT).

In calculating FAP benefits, DHS projects a client's employment income by using the last

30 days of payments if it appears to accurately reflect what is expected to be received in the

benefit month. BEM 505 at 4. Biweekly payments are averaged and multiplied by 2.15 to

convert the 14 day pay periods to a full month of pay. In the present case, DHS accurately

calculated Claimant's gross monthly income to be $2165 based on the verified income of

Claimant.

FAP benefit groups without a senior, disabled or disabled veteran (SDV) member must

have income below the gross income limits. BEM 550 at 1. Claimant is part of a one-person non-

SDV group. The gross income limit for a non-SDV one person group is $1174. RFT 250.

Claimant's gross monthly income of $2165 exceeds the gross income limits. It is found that DHS properly denied Claimant's 3/8/10 request for FAP benefits due to excess income.

DECISION AND ORDER

The actions taken by DHS are AFFIRMED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly found that Claimant's gross income exceeded the income limits for FAP benefits and properly denied Claimant's 3/8/10 request for FAP benefits.

Christian Gardocki
_____
Christian Gardocki
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: __6/7/2010__

Date Mailed: __6/7/2010__

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 cannon 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.

CG/jlg

cc: