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:   2010-35574
Issue No:   3002
Case No:   ██████
Load No:   ██████
Hearing Date:
June 10, 2010
Delta County DHS

ADMINISTRATIVE LAW JUDGE:  Gary F. Heisler

## 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 held on June 10, 2010. Claimant appeared and testified.

## ISSUE

Did the Department of Human Services determine the proper amount of Claimant's Food Assistance Program (FAP) 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 ongoing recipient of Food Assistance Program (FAP) benefits. Claimant's case was due for review by the end of February 2010.

(2) On January 29, 2010, Claimant submitted the required information for his review.

(3) On February 25, 2010, the Department case worker ran a financial eligibility budget

using all the changes reported by Claimant.  The budget showed that Claimant should receive

$▇ per month in Food Assistance Program (FAP) benefits beginning March 1, 2010.  Claimant

was sent a Notice of Case Action (DHS-1605) informing him of the amount.

(4) On March 3, 2010, Claimant submitted a request for hearing.

(5) On March 9, 2010, when the Department case worker was preparing a Hearing

Summary, she discovered that the BRIDGES computer program had failed to include the entire

amount of child support Claimant is paying.  The case worker corrected the amount in

Claimant's financial eligibility budget and the new budget showed that Claimant should be

receiving $▇ per month of Food Assistance Program (FAP) benefits.  Claimant began

receiving $▇ per month in April 2010, but the BRIDGES computer program would not apply

the new budget to March 2010.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (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 or department) 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 Program

Reference Manual (PRM).

During the hearing Claimant testified that the income and expenses used in the March 9,

2010 budget are correct.  Claimant stated he has a lot of Court costs and payments that make it

difficult for him to make ends meet.

When determining eligibility for Food Assistance Program (FAP) benefits in accordance with Department policy, the total income of the household must be evaluated. All earned and unearned income of each household member must be included, unless specifically excluded. Bridges Eligibility Manual, Item 500. The Food Assistance Program (FAP) program provides a deduction from earned income and a deduction for the cost of child care when necessary to enable a Food Assistance Program (FAP) household member to work. A standard deduction from income is allowed for each household. The amount of the standard deduction depends on the number of members in the household. Certain non-reimbursable medical expenses may be deducted for senior/disabled/veteran group members.

Another deduction from income is provided if monthly shelter costs are in excess of 50% of the household's income, after all of the other deductions have been allowed. There is a maximum deduction for households that do not contain a member classified as a senior, disabled, or veteran. Bridges Eligibility Manual, Items 500 and 554; Program Reference Manual, Table 255; 7 CFR 273.2.

In this case, the Administrative Law Judge has reviewed the Food Assistance Program (FAP) budget and finds that the department properly computed the claimant's net income and expenses. The federal regulations at 7 CFR 273.10 provide standards for the amount of a household's benefits. The department in compliance with the federal regulations has prepared issuance tables which are set forth at Program Reference Manual, Table 260. The issuance table provides that a household with household size and net income of the claimant's is eligible for a Food Assistance Program (FAP) allotment of $█████

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of

law, decides the Department of Human Services determined the proper amount of Claimant's

Food Assistance Program (FAP) benefits on March 9, 2010 as $███  Claimant did not receive

the proper payment for March 2010.

It is ORDERED that the actions of the Department of Human Services, regarding

ongoing payments of Food Assistance Program (FAP) benefits, are UPHELD.

It is further ORDERED that the Department of Human Services supplement Claimant the

additonal amount of Food Assistance Program (FAP) benefits he was eligible for, but did not

receive for March 2010.


/s/ _____

Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services


Date Signed:_June 15, 2010_____

Date Mailed:_June 18, 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 o rder a rehe aring or re consideration on the Departm ent's
motion where the final decision cannot be implem ented 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.

GFH/alc

cc: