STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

████████
████████████

Reg. No.:   201035634
Issue No.:   3003
Case No.:   ██████████
Load No.:
Hearing Date: July 21, 2010
               Wayne County 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 July 21, 2010. The Claimant appeared and testified. ██████████ FIM appeared on behalf of the Department.

ISSUE

Was the Department correct in determining Claimant's 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 FAP benefits.

(2)   On July 7, 2010 the Department determined that Claimant's FAP benefit would be increased to $96 per month from $32 per month effective March 1, 2010. Supplements were issued to Claimant on that date to reflect that.

(3)   Claimant receives unearned income of $2705 per month from social security disability benefits.

(4)   Claimant has shelter expense of $1480.

(5) Claimant requested a hearing on April 26, 2010 contesting the determination 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 Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Program Reference Manual ("PRM").

The federal regulations define household income to include all earned income. 7 CFR 273.9(b). All monthly income must be converted to a nonfluctuating monthly amount. Only 80% of earned income is counted in determining FAP benefits. BEM 550. Under 7 CFR 273.9, as amended, $132.00 is deducted from the gross income of FAP recipients in determining FAP grants.

In the present case, according to the aforementioned policy on budgeting, Claimant has $2705 unearned income from social security disability benefits. Subtracting $170 from $2705 results with $2535 adjusted gross income. Claimant qualified for an excess shelter deduction of $213 as her shelter expense, $1480, was in excess of $1267 (50 percent of $2535, income after prior deductions were made.) by $213. Subtracting $213 from $2535 results with $2322 net income. A household of five with a net monthly income of $2322 is entitled to a monthly FAP grant of $96 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, finds that the Department properly calculated the Claimant's FAP benefits, and it is ORDERED that the Department's decision in this regard be and is hereby AFFIRMED.

/s/ _____

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

201035634/AM

Date Signed: July 29, 2010

Date Mailed: July 29, 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 of the rehearing decision.

AM/hw

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