

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.: 2010-36011  
Issue No.: 3015  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date:  
June 16, 2010  
SSPC-East (98)

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 June 16, 2010. Claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, and [REDACTED], Manager, appeared and testified.

ISSUE

Whether DHS properly denied Claimant's 4/8/10 application for Food Assistance Program (FAP) 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 FAP benefits on 4/8/10.
2. Claimant was part of a non-senior, non-disabled, non-disabled veteran four person FAP group.

3. Claimant received monthly employment income of \$2504/month.
4. Claimant's spouse received unemployment benefits of \$1556/month.
5. DHS denied Claimant's FAP benefits on 4/29/10 due to excess income.
6. Claimant's spouse left the household on 5/1/10.
7. Claimant submitted a hearing request on 5/6/10 disputing the FAP benefit denial, specifically contending that DHS should have excluded her separated spouse's income from the eligibility determination.

#### 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 the present case, it was not disputed that Claimant's monthly income was \$4060 based on a FAP group that includes Claimant's employment income and Claimant's spouse's unemployment income. Claimant contends that DHS should have excluded her spouse's income because he moved out of the household on 5/1/10.

DHS calculated Claimant's eligibility for FAP benefits on 4/29/10. As of 4/29/10, Claimant's spouse was still in Claimant's household. Spouses who are legally married and live together must be in the same group. BEM 212 at 1. Claimant applied for benefits and reported that she lives with her spouse. It should be noted that Claimant must also notify DHS of a change

in household members before DHS can consider the change. It is found that DHS correctly determined Claimant's FAP group size as four persons when DHS calculated Claimant's eligibility for FAP benefits on 4/29/10.

The gross income limit for a four person FAP group without a senior, disabled or disabled veteran member is \$2389. RFT 250. Claimant's FAP group income was \$4060. DHS properly denied Claimant's 4/8/10 application for FAP benefits due to excess income. As discussed during the hearing, Claimant's proper recourse was to reapply for benefits following the change in household members as DHS already denied her prior application.

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 denied Claimant's 4/8/10 application for FAP benefits due to excess income.



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

Date Signed: 6/16/2010

Date Mailed: 6/16/2010

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.

CG/jlg

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cc:

