

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: 2010-36436
Issue No: 3003
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 17, 2010
Genesee 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 hearing was held on June 17, 2010. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly determine the 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.
- (2) On January 5, 2010, Claimant submitted a Redetermination Form (DHS-1010). The form did not indicate that Claimant pays any form of rent or mortgage payment.
- (3) On January 28, 2010, a financial eligibility budget for Food Assistance Program

(FAP) benefits was run using the information Claimant provided. Claimant was allowed the full heat and utility expense and a housing expense for his home owner's insurance. The financial eligibility budget showed that Claimant was eligible for \$ [REDACTED] per month of Food Assistance Program (FAP) benefits. Claimant was sent a Notice of Case Action (DHS-1605) informing him of the amount of his Food Assistance Program (FAP) benefits. Claimant was also sent a Notice of Over-issuance.

(4) On March 1, 2010, Claimant submitted a hearing request regarding the Over issuance.

(5) On March 15, 2010, the local Department office sent in a hearing packet. The evidence in the packet only addresses the reduction of Claimant's Food Assistance Program (FAP) benefits. It does not address the over-issuance.

(6) At this hearing Claimant made a verbal request for hearing on the current amount of his Food Assistance Program (FAP) benefits. The Over-issuance hearing request was sent back to the local office to be processed fro a hearing on that issue.

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).

The only issue in this hearing is the amount of Claimant's Food Assistance Program (FAP) benefits calculated on January 28, 2010. Claimant testified that he borrowed the money to buy his home from his mother, and is paying her back the loan. The Redetermination Form (DHS-1010) submitted by Claimant and used in this financial eligibility budget contains no information showing Claimant has a rental or mortgage expense.

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 based on the verified information they had been provided by Claimant. 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 \$ [REDACTED]

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly determined the amount of Claimant's Food Assistance Program (FAP) benefits.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHELD.

/s/

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

Date Signed: July 12, 2010

Date Mailed: July 14, 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.

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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:

