

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2010-44771
Issue No.: 3002
Case No.: [REDACTED]
Hearing Date: October 4, 2010
DHS County: Wayne (82-17)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 October 4, 2010. Claimant appeared and testified.

The record was left open for the Claimant to submit copies of his prescription costs he testified he had provided to the Department of Human Services (Department) in February or March of 2010. To date, no additional evidence has been received.

ISSUE

Did the Department properly calculate 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 a material fact:

1. On April 26, 2010, the Department determined that Claimant was eligible for FAP benefits in the amount of \$16.00, based upon unearned \$1,549 Retirement and Survivors Disability Income, shelter costs of \$790, and using the utility maximum of \$588.
2. On July 12, 2010, Claimant submitted a request for hearing.

CONCLUSIONS OF LAW

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 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).

In the present case, Claimant disputes the amount of her FAP benefit. The Department determined that Claimant was receiving \$1,549 in unearned income. The Department utilized the Claimant's shelter costs of \$790 and gave Claimant the maximum heat and utility deduction of \$588. Once completing the calculations, the Department determined that Claimant was only eligible for \$16.


Claimant was also paying \$162.80 in Medicare premium. The Department budget fails to show that amount being included. Claimant also asserts he is paying \$365 in prescription costs. The record was left open for the Claimant to provide evidence of those costs and proof he had submitted those costs to the Department for use in the FAP budget. To date, no additional information was received from Claimant for consideration.

Therefore, the Department will need to reprocess Claimant's April 26, 2010, FAP budget and include the Medicare premium.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the following:

The Department is REVERSED and ORDERED to complete a new budget back to April 2010, to deduct the Medicare premium and to recalculate benefits and, if eligible for more FAP benefits than already issued, supplement Claimant for any loss in the benefits.


Jonathan W. Owens
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: December 16, 2010

Date Mailed: December 21, 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.

JWO/pf

cc:

