

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.: 2010-7195
Issue No.: 3003/3014
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
January 20, 2010
Wayne County DHS (49)

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 January 20, 2010. The Claimant appeared and testified. [REDACTED] FIM and [REDACTED] appeared on behalf of the Department.

ISSUE

Has the Department properly determined Claimant's Food Assistance 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 has unearned income of \$894 consisting of Supplemental Security Income and Family Independence Program Benefits and child support.
- (2) Claimant's son and household member has employment income of \$1758 per month. He is 21 years old.

- (3) The department determined claimant's FAP benefits to be \$21 per month effective November 1, 2009.
- (4) Claimant requested a hearing on November 9, 2009 contesting the determination of her 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 Program Administrative Manual ("PAM"), the Program Eligibility Manual ("PEM"), 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. PEM 550. Under 7 CFR 273.9, as amended, \$144.00 is deducted from the gross income of FAP recipients in determining FAP grants.

In the present case, claimant has \$1758 unearned income from SSI and FIP benefits in addition to child support. Claimant's son has employment income of \$1758 and receives \$352 in an earned income deduction. The standard deduction of \$144 was subtracted from the household income resulting in adjusted income of \$2156. Claimant does not qualify for excess shelter deduction. The Food Assistant Issuance Table shows \$21 in benefit for \$2156 net income for a household of 4. RFT 260 This is the amount determined by the department and is correct.

Claimant raised an issue at hearing regarding the fairness of including her son in the household when he has significant expenses related to his education. Department policy is clear that household members under the age of 22 are mandatory group members and must be included in the household for FAP determinations. BEM 212.

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.

Accordingly, the Department's determinations are AFFIRMED.



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

Date Signed: 3/24/2010

Date Mailed: 3/24/2010

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.

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