

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: 2010-7243

Issue No: 1018; 3002

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

January 13, 2010

Kent County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 held on January 13, 2010. Claimant personally appeared and testified with assistance of [REDACTED], translator from Somalian to English and vice versa.

ISSUES

1. Did the department issue the claimant the correct amount of Food Assistance Program (FAP) benefits?
2. Did the department correctly determined that the claimant's household has excess income for Family Independence Program (FIP) 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 a FAP recipient when his benefits were reduced. Department discovered that the reduction in FAP benefits was due to an erroneous entry into the Bridges system. Department then corrected claimant's FAP benefits and increased them.

2. Claimant also applied for FIP benefits and was denied due to excess household income. Department notified the claimant of this denial on September 24, 2009. Claimant requested a hearing on October 15, 2009.

CONCLUSIONS OF LAW

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* The Department of Human Services (DHS or department) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Department's action on claimant's FAP benefits and their claim that such benefits have been corrected and increased was discussed with the claimant through his translator. Claimant states that he does not have any further objections to the FAP determination.

Administrative Law Judge then explained to the claimant how department must determine his eligibility for FIP. Claimant's household size is 7 and the FIP monthly assistance payment standard for this size group is \$905 per month. RFT 210. Claimant's wife was receiving \$976 per month in Worker's Compensation benefits. Departmental policy states:

WORKERS' COMPENSATION

All Programs

Workers' compensation payments are available under various federal and state laws to persons with job-related illness or injury and to survivors of a deceased worker. Payments might be made by a government agency, an insurance company or an employer.

Count the gross payment as unearned income. BEM 500.

Departmental policy further states that financial need must exist to receive FIP benefits. Financial need exists when the eligible group passes the deficit test. To perform the deficit test, the program group's budgetable income is subtracted from group's payment standard for the benefit month. BEM 515. A deficit of at least \$10 is required in order for a group to receive FIP cash benefits.

In claimant's case, his group's budgetable income is Worker's Compensation gross monthly payment of \$976. When deducted from the payment standard of \$905 per month, no deficit is derived at, and no FIP eligibility exists.

Claimant's translator indicates that the claimant understands how FIP benefits are determined and why he was denied for excess income. Claimant was advised to re-apply for FIP if his household income changes.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department issued the claimant a correct amount of FAP benefits (as he stated in the hearing), and that his FIP application was also correctly denied due to excess income.

Accordingly, department's action is AFFIRMED, and it is SO ORDERED.

/s/

Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: February 8, 2010

Date Mailed: February 11, 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 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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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