

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: 2010992

Issue No: 3002

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

November 4, 2009

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

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 conducted on November 4, 2009. The Claimant appeared and testified. Tamara Pierce, Eligibility Specialist and Joyce Bacalis, FIM appeared on behalf of the Department.

ISSUE

Whether the Department properly computed the Claimant's Food Assistance ("FAP") benefits effective 10/1/09.

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds a material fact:

1. The Claimant was an active FAP recipient.
2. Claimant received an increase in SSI and RSDI, so a new Food Assistance Budget was compiled. (Exhibit 1, pp. 2-3).

3. Claimant reported a household group of one (1) person.
4. Claimant testified that she had unearned income as follows:
 - a. SSI - \$223.00/month
 - b. RSDI - \$461.00/month
 - c. State Disability Supp. - \$42.00 every three months.
5. The Claimant testified that her rent is \$150.00 per month. Claimant is not responsible for paying utilities other than her personal phone bill.
6. Claimant testified that she does not have any additional regularly incurred medical bills.
7. Following the budget, monthly FAP benefits were calculated in the amount of \$27.00 down from \$28.00 previously.
8. Claimant objected to the FAP calculation and filed this appeal. The Department received the Claimant's Request for Hearing on October 1, 2009.

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/BEM 550. Under 7 CFR 273.9, as amended, \$132.00 is deducted from the gross income of FAP recipients in determining FAP grants. Under 7 CFR 273.9 deductions for excess shelter are also made. PEM/BEM 554. Id. There is a standard heat and utility deduction as well as a standard deduction for telephone bills. Id. The standard deductions are a set amount that is applied regardless of the actual expenses incurred by the Claimant.

When calculating the benefit amount, according to PEM/BEM 556, the Shelter set offs are added together to equal A. The income after deductions is divided by two and equals B. $A - B = C$. The lesser of C or the maximum shelter amount set forth in RFT 255 will be deducted from the reduced income in determining the final net amount. The amount of food assistance allotment is established by regulations at 7 CFR 273.10 based on a group's net income.

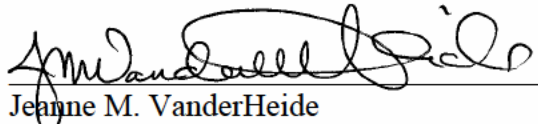
In the present case, according to the aforementioned policy on budgeting, Claimant's shelter costs equal $\$150 + \$33 = \$183.00$ (A). 50% of the income less deductions = $\$288.00$ (B). $(A - \$183) - (B - \$288) = \$0.00$. Claimant has a net monthly income of $\$576.00$. This was obtained by subtracting the standard deduction of $\$132.00$ and the excess shelter amount of $\$0.00$ from the gross income of $\$708.00$. A household of one person with a net monthly income of $\$576.00$ is entitled to a monthly FAP grant of $\$27.00$ per month. RFT 260.

Claimant noted that she may be moving soon. Claimant is encouraged to report any change in housing costs to the Department as it could affect the amount of benefits to which Claimant is entitled. Currently, however, the Administrative Law Judge finds that the Department properly calculated benefits. Based upon the foregoing facts and relevant law, it is found that the Department's determination is AFFIRMED.

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 allotment.

Accordingly, the Department's FAP eligibility determination is AFFIRMED.



Jeanne M. VanderHeide
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 11/23/09

Date Mailed: 12/04/09

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.

JV/dj

cc:

