

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: 2010-10742

Issue No: 2001; 3002

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

January 7, 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 January 7, 2010. Claimant appeared and testified.

ISSUES

(1) Did the Department of Human Services properly close Claimant's Adult Medical Program (AMP) case due to excess income?

(2) Did the Department of Human Services determine the proper 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 Adult Medical Program (AMP) and Food Assistance Program (FAP) benefits.

(2) On October 13, 2009, Claimant began receiving Unemployment Compensation Benefits (UCB).

(3) On October 22, 2009, Claimant's Unemployment Compensation Benefits (UCB) were included in her financial eligibility budgets. The budgets showed that Claimant was no longer eligible for Adult Medical Program (AMP) benefits due to excess income, and that Claimant's amount of Food Assistance Program (FAP) benefits should be reduced. Claimant was sent a Notice of Case Action (DHS-1605).

(4) On November 16, 2009, Claimant submitted a request for hearing.

(5) The record of this hearing was left open in order for the Department to submit required evidence, specifically the Adult Medical Program (AMP) and Food Assistance Program (FAP) financial eligibility budgets.

CONCLUSIONS OF LAW

The Adult Medical Program (AMP) is established by Title XXI of the Social Security Act; (1115)(a)(1) of the Social Security Act, and is administered by the Department of Human Services (DHS or department) pursuant to MCL 400.10, *et seq.* Department policies are contained 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).

In this case, Claimant does not dispute receiving Unemployment Compensation Benefits (UCB). There were no other changes in Claimant's circumstances that would impact her benefit eligibility.

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 as \$732. 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 \$16. This is the same amount the Department determined.

When determining eligibility for Adult Medical Program (AMP) benefits in accordance with Department policy total income must be evaluated. All earned and unearned income must be included, unless specifically excluded. Bridges Eligibility Manual, Item 500. A portion of earned income, 20%, and \$200 is disregarded to determine net earned income. The Department also subtracts child support and/or spousal support being paid. The resulting net income must be less than the specific Adult Medical Program (AMP) monthly income limit as specified in Program Reference Manual, Table 236. In this case, the Administrative Law Judge has reviewed the Adult Medical Program (AMP) budget and finds that the department properly computed the claimant's net income. The Adult Medical Program (AMP) monthly income limit specifically applicable to Claimant is \$316. Claimant is not eligible for the Adult Medical Program (AMP) due to excess income.

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 closed Claimant's Adult Medical Program (AMP) case due to excess income and determined the proper 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: February 8, 2010

Date Mailed: February 18, 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.

GFH [REDACTED]

cc: [REDACTED]