

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: 2010-10778
Issue No: 3002
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 28, 2010
Monroe County DHS

ADMINISTRATIVE LAW JUDGE: Steven M. Brown

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 conducted from Lansing, Michigan on July 27, 2010.

ISSUE

Whether the Department properly determined Claimant's Food Assistance Program (FAP), Family Independence Program (FIP) and Direct Supportive Services Program (DSSP) eligibility?

FINDINGS OF FACT

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

1. Claimant was a FAP and FIP recipient.
2. Timothy Richards, the father of Claimant's child, resides in the same household as Claimant.

3. [REDACTED]' RSDI benefits were interrupted in July 2009 and began again in November 2009.

4. The Department completed a FAP budget which included Claimant's earned income and Mr. Richard's unearned income (RSDI) and resulted in a monthly FAP allotment of \$157.00 effective November 1, 2009. (Exhibits 4-7)

5. The Department completed a FIP budget which included [REDACTED] unearned income (RSDI) and resulted in a monthly FIP allotment of \$0 effective November 1, 2009. (Exhibits 8, 9)

6. Claimant application for DSSP benefits (vehicle repair) was denied because "other resource(s) are available to you for the service". (Exhibits 10-14)

7. On October 16, 2009, the Department mailed Claimant a Notice of Case Action which informed Claimant that her FAP benefits would decrease to \$157.00/mo. effective November 1, 2009, her FIP benefits would close effective November 1, 2009 due to excess income and her application for DSSP benefits was denied because other resources were available to her. (Exhibits 10-14)

8. On October 23, 2009, the Department received the Claimant's hearing request.

CONCLUSIONS OF LAW

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. Departmental policies are

found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Bridges Reference Manual (BRM).

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

All earned and unearned income available to the Claimant is countable. Earned income means income received from another person or organization or from self-employment for duties that were performed for remuneration or profit. Unearned income means ALL income that is not earned and includes FIP, RSDI, SSI and UB. The amount counted may be more than the client actually receives because the gross amount is used prior to any deductions. BEM 500

The Department determines a client's eligibility for program benefits based on the client's actual income and/or prospective income. Actual income is income that was already received. Prospective income is income not yet received but expected.

Prospective budgeting is the best estimate of the client's future income. BEM 505

All income is converted to a standard monthly amount. If the client is paid weekly, the Department multiplies the average weekly amount by 4.3. If the client is paid

every other week, the Department multiplies the average bi-weekly amount by 2.15.

BEM 505

Direct Support Services (DSS) are goods and services provided to help families achieve self-sufficiency. DSS includes Employment Support Services (ESS) and Family Support Services (FSS) that directly correlates to removing an employment-related barrier. There is no entitlement for DSS. The decision to authorize DSS is within the discretion of the DHS or the MWA. BEM 232

In the instant case, the Department used the correct income figures for determining FAP and FIP eligibility. Claimant may have had a change in income in November/December, but that was not reported to the Department until January 2010. The Department's decision was made in October 2009, effective November 2009. Also, [REDACTED] might not have received [REDACTED] from July – October, but he did in November and, again, the Department's decision was effective November 1, 2009. Finally, the Department correctly denied Claimant's application for vehicle repairs.

With the above said, based on the testimony and documentation offered at hearing, I find that the Department established that it acted in accordance with policy in determining Claimant's FIP, FAP and DSSP eligibility.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department acted in accordance with policy in determining Claimant's FIP, FAP and DSSP eligibility.

Accordingly, the Department's FIP, FAP and DSSP eligibility determinations are AFFIRMED, it is SO ORDERED.

/s/ _____
Steven M. Brown
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 4, 2010

Date Mailed: August 4, 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.

SMB/tg

cc:

