

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: 2010-12953

Issue No: 3003

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

January 20, 2010

Monroe 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 20, 2010. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly determine the 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 Food Assistance Program (FAP) benefits.

Claimant's benefit group consists of herself, her husband [REDACTED], and her son [REDACTED]

(2) In October, 2009 Claimant's case was automatically updated. Information for

Social Security Administration showed that Claimant and [REDACTED], [REDACTED]

[REDACTED] (RSDI) gross benefits were more than budgeted in Claimant's

financial eligibility budget. The newly discovered gross amounts were used to recalculate Claimant's Food Assistance Program (FAP) benefits.

(3) On October 30, 2009, Claimant was sent a Notice of Case Action (DHS-1605) stating her Food Assistance Program (FAP) benefits would be reduced.

(4) On November 5, 2009, Claimant submitted a request for hearing.

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. 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 the gross amount of benefits reported by Social Security Administration for herself and [REDACTED]. A letter submitted from the Social Security Administration dated November 5, 2009 show that Claimant's regular monthly payment is \$796. The letter also contains a note that Claimant "has been receiving \$753 since 01/09." A letter submitted from the Social Security Administration dated November 5, 2009 show that [REDACTED] regular monthly payment is \$343. The letter also contains a note that [REDACTED] "has been receiving \$243 since 01/09." No other changes were made in Claimant's financial eligibility budget.

Department policy provides the following guidance for case workers. The Department's policies are available on the internet through the Department's website.

BEM 503 20 of 32 INCOME, UNEARNED

DEPARTMENT POLICY

All Types of Assistance (TOA)

This item identifies all of the following:

- Unearned income types.
- Definition of each unearned income type.
- Whether an unearned income type is countable or excluded for each TOA.

To create a new income

RETIREMENT, SURVIVORS, AND DISABILITY INSURANCE (RSDI) (AKA SOCIAL SECURITY BENEFITS) All TOA

RSDI is a federal benefit administered by the Social Security Administration that is available to retired and disabled individuals, their dependents, and survivors of deceased workers.

Bridges counts the gross benefit amount as unearned income.

The Department policy cited above clearly states that the gross amount of benefits is used as income in the financial eligibility budget for all types off assistance.

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 determined the 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 16, 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 

cc:

