

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.: 2010-13603
Issue No.: 3002
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
February 18, 2010
Macomb County DHS (12)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 in Clinton Township, Michigan on Thursday, February 18, 2010. The Claimant appeared, along with her daughter, and testified. The Claimant was represented by [REDACTED] of [REDACTED]. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly calculated the Claimant's Food Assistance ("FAP") benefits effective December 2009?

FINDINGS OF FACT

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

1. The Claimant is a FAP recipient.
2. In November 2009, the Department reviewed the Claimant's FAP benefits.

3. As a result, the Claimant's FAP allotment decreased from \$116.00/month to \$23.00/month effective December 2009. (Exhibits 1, 2)
4. On December 11, 2009, the Department received the Claimant's written request for hearing.
5. The Claimant's group size is 4.
6. Based on the Unemployment Compensation Report, the Claimant received \$614.00/bi-weekly plus \$50.00 due to the recent stimulus package.
7. The Claimant's daughter earns \$526.00 bi-weekly.
8. The Claimant's monthly shelter expense is \$575.00. (Exhibit 4)
9. The Claimant is responsible for utilities. (Exhibit 4)

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"), formerly 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")/Bridges Administration Manual ("BAM"), the Program Eligibility Manual ("PEM")/Bridges Eligibility Manual ("BEM"), and the Program Reference Manual ("PRM")/Bridges Policy Glossary ("BPG").

Group composition is the determination of which persons living together are included in the FAP program group. PEM/BEM 212 For FAP purposes, all expenses are converted to a nonfluctuating monthly amount. PEM/BEM 554

All countable earned and unearned income available to the client must be considered in determining the Claimant's eligibility for program benefits. PEM/BEM 500 The Department must consider the gross benefit amount before any deduction, unless Department policy states otherwise. *Id.* A group's monthly benefits are based in part, on a prospective income determination. PEM/BEM 505 A standard monthly amount must be determined for each income source used in the budget. PEM/BEM 505 Weekly benefit amounts are converted to a monthly amount by multiplying the weekly amount by 4.3. PEM/BEM 505 Bi-weekly amounts are converted to a monthly amount by multiplying the amount by 2.15. PEM/BEM 505

In determining a FAP allotment, a Heat and Utility Standard is used whenever a FAP group contributes to the heat expense separate from rent, mortgage, or condominium/maintenance payments. PEM/BEM 554 Shelter expense is an allowable expense and includes rent payments. *Id.*

In the instant case, the Claimant disagreed with the reduction in the FAP allotment from what was previously budgeted. The Claimant agreed with the figures used in reaching the benefit amount with the exception of her unemployment income. The Department prospectively converted the bi-weekly unearned income based on the unemployment report. There was no evidence to the contrary. Ultimately, the Department established it acted in accordance with Department policy when it calculated the Claimant's FAP benefit amount. Accordingly, the Department's determination is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the findings of fact and conclusions of law, finds that the Department acted in accordance with department policy when it calculated the Claimant's FAP allotment.

Accordingly, it is ORDERED:

The Department's FAP eligibility determination is AFFIRMED.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 2/19/2010

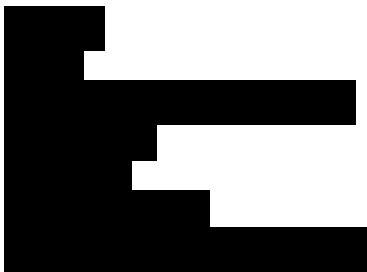
Date Mailed: 2/19/2010

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.

CMM/jlg

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