

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: 2010-14413
Issue No: 3015
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
February 4, 2010
Muskegon County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 held on February 4, 2010. Claimant personally appeared and testified.

ISSUE

Did the department correctly determine in November, 2009 that the claimant had excess income for 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 a FAP recipient when she submitted the Semi-Annual Contact Report and one check stub from employment on November 20, 2009.

2. Department used the Work Number to obtain last 30 days of earned income, computer matching to obtain child support paid out, and child support and SSI received by the claimant's household.

3. FAP budget was completed and claimant had excess income to continue to receive FAP benefits. Department took action to terminate claimant's FAP benefits effective December 2, 2009.

4. Claimant requested a hearing on December 1, 2009 and her FAP benefits continue pending the outcome of this 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Departmental policy states that a non-categorically eligible Senior/Disabled/Veteran (SDV) FAP group must have income below the net income limits. BEM 550. Categorically eligible FAP groups are those that receive Domestic Violence Prevention Services. BEM 213. Claimant's household does not fall into categorically eligible category. Review of claimant's FAP budget during the hearing reveals that the department did not include the correct amount of child support paid out by claimant's household. Claimant does not dispute other figures used by the department. However, even with the inclusion of paid child support as a deduction,

claimant's household net income is still over the net income limit of \$1,526 per month for a household of 3. RFT 250.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly determined in November, 2009 that the claimant had excess income for FAP benefits.

Accordingly, department's action is AFFIRMED, and it is SO ORDERED.

/s/ _____
Ivona Rairigh
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.

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