

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: 2010-15264

Issue No: 3003

Case No:

Load No:

Hearing Date:

February 22, 2010

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon pursuant to MCL 400. 9; MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was held on February 22, 2010. The Claimant appeared and testified, both agreed to address their issues with one hearing. [REDACTED] FIM appeared on behalf of the Department.

ISSUE

Is the Department correct in determining Claimants' 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) On December 11, 2009 Claimant applied for FAP benefits.
- (2) On December 12, 2009 Claimant's application was denied for excess income.
- (3) Claimant receives \$1210 unemployment benefits per month.

- (4) Claimant receives \$1393 per month in employment income.
- (5) Claimant requested a hearing on December 21, 2009 contesting the denial of FAP benefits.

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”), formally 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 Bridges Administrative Manual (“BAM”), the Bridges Eligibility Manual (“BEM”), and the Program Reference Manual (“PRM”).

In the present case, Claimant had \$1210 unearned income from unemployment benefits. Claimant also had employment income of \$1393 from her part time job with [REDACTED]. This amount was calculated by multiplying Claimant’s November 30, 2009 bi weekly pay check of \$648 times 2.15 pursuant to Department policy. BEM 505 648 x 2.15=1393. The gross income limit for a 2 person household is \$1579. RFT 250 Claimant had countable income of \$2603 for the month in question. Claimant’s income exceeded the gross monthly income test by \$1024. The determination by the Department to deny benefits because of excess income is correct.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department was correct in the denial of FAP benefits, and it is ORDERED that the Department's decision in this regard be and is hereby AFFIRMED.

/s/ _____
Aaron McClintic
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 25, 2010

Date Mailed: March 25, 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.

AM/ctl

Cc:

