

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: 2010-15863
Issue No: 3002
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
February 24, 2010
Chippewa County DHS

ADMINISTRATIVE LAW JUDGE: Jana A. Bachman

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 24, 2010.

ISSUE

Whether the Department of Human Services (department) properly determined claimant's eligibility 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) During December 2009, claimant was receiving FAP benefits. His assistance was due for review.

(2) On or about December 28, 2009, the department prepared a FAP budget.

Claimant's total income was [REDACTED] consisting of disability benefits. A standard deduction of [REDACTED]

was included as well as a medical deduction of [REDACTED], leaving adjusted gross income of [REDACTED]

After all allowable deductions were included, claimant's monthly FAP benefit amount was [REDACTED]

Department Exhibit A, pgs 5-6.

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).

When determining eligibility for FAP, all income must be included unless it is specifically excluded. Disability benefits are not excluded and must be counted when determining FAP eligibility. A standard deduction of [REDACTED] is permitted. For senior/disabled/veteran households a deduction for allowable medical expenses in excess of [REDACTED] is allowed. Another deduction is provided if monthly shelter costs are in excess of standard amount for the household's income after all other deductions have been allowed. Bridges Eligibility Manual (BEM) 500, 550,554; Reference Table (RFT) 255; CFR 273.2.

At hearing, the department credibly testified that at the time the budget was completed, it did not have verification of claimant's medical expenses as required by policy. (BEM 554) Claimant has since provided proof of his medical expenses and the department will be redetermining his benefit amount. At hearing, claimant asserted that he had taken his proofs to the department office and was told by the receptionist that the caseworker would let him know if

copies were needed. That is why they were not provided by the deadline. Regardless, the department did not have the required proofs at the time it prepared the budget and so was prohibited from including medical expenses when it determined claimant's FAP eligibility. Accordingly, the department has met its burden of proof and its FAP determination must be upheld.

The federal regulations set forth at 7 CFR 273.10 provide the standards for the amount of a household's benefits. The department, in compliance with these regulations, has prepared issuance tables that are set forth at RFT 260. RFT 260 provides that a senior/disabled/veteran household of one, living in [REDACTED] with income for FAP purposes of [REDACTED] is entitled to a monthly FAP allotment of [REDACTED]. Finding of Fact 1.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services acted in compliance with department policy when it determined claimant's eligibility for Food Assistance Program benefits.

Accordingly, the department's action is, hereby, UPHELD.

/s/ _____
Jana A. Bachman
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 22, 2010

Date Mailed: April 22, 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.

JAB/db

cc:

