

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: 2010-16087

Issue No: 3002

Case No:

Load No:

Hearing Date: 3/4/10

Kent County DHS

ADMINISTRATIVE LAW JUDGE: Kevin M. Scully

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 conducted from Lansing, Michigan on March 4, 2010.

ISSUE

Whether the Department properly computed the Claimant's Food Assistance Program (FAP) eligibility?

FINDINGS OF FACT

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

(1) Claimant applied for Food Assistance Program benefits on October 7, 2009.

(2) Claimant receives monthly [REDACTED]

[REDACTED] in the gross monthly amount of [REDACTED].

(3) Claimant receives a monthly [REDACTED] payment in the gross monthly amount of [REDACTED].

(4) Claimant did report medical expenses.

(5) Claimant has a monthly heat/utility (including telephone) obligation.

(6) The Department completed claimant's FAP budget for the certification period of November 1, 2009 to November 30, 2009, and determined that Claimant would be entitled to a [REDACTED] FAP allotment on a monthly basis.

(7) The Department sent Claimant notice of her monthly FAP allotment on October 15, 2009.

(8) On October 30, 2009, the Department received Claimant's hearing request, protesting the Department's determination of her monthly FAP allotment.

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. Departmental policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Bridges Reference Manual (BRM).

For FAP purposes, all earned and unearned income available to the Claimant is countable. Earned income means income received from another person or organization or from self-employment for duties that were performed for remuneration or profit.

Unearned income means ALL income that is not earned and includes FIP, RSDI, SSI and

UB. The amount counted may be more than the client actually receives because the gross amount is used prior to any deductions. BEM 500.

The Department determines a client's eligibility for program benefits based on the client's actual income and/or prospective income. Actual income is income that was already received. Prospective income is income not yet received but expected. Prospective budgeting is the best estimate of the client's future income. BEM 505.

In this case, the Department has compiled a list of disability payments received by the Claimant as gross unearned income totaling [REDACTED]. (Department Exhibit 2). This amount was reduced by the standard deduction of [REDACTED], and a [REDACTED] medical deduction, resulting in an adjusted gross income of [REDACTED]. The Claimant's adjusted excess shelter of [REDACTED] was determined by subtracting 50% of her adjusted gross income from the sum of her shelter expenses and the heat and utility standard. A net income of [REDACTED] was determined by subtracting the adjusted shelter from the adjusted gross income.

During the hearing, the Claimant stated that the level of her unearned income had changed. However, this information was not relevant to this case because the information was not available to the Department at the time the budget was calculated, and is not relevant to the benefit period being examined.

A claimant with a group size of 1 and a net income of [REDACTED] is entitled to FAP benefits of [REDACTED], which is the amount of FAP benefits granted to the Claimant for this period. RFT 260. This Administrative Law Judge finds that the Department has established that it has acted in accordance with policy computing Claimant's FAP benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department acted in accordance with policy in computing Claimant's FAP benefits.

Accordingly, the Department's FAP determination is AFFIRMED, it is SO ORDERED.

/s/

Kevin M. Scully
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 16, 2010

Date Mailed: March 16, 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.

KS/vmc

cc:

