

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: 2010-19108

Issue No: 3002

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

March 16, 2010

Kent County DHS

ADMINISTRATIVE LAW JUDGE: Kevin 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 held March 16, 2010.

ISSUE

Whether the Department of Human Services (DHS or Department) properly computed the Claimant's Food Assistance Program (FAP) allotment?

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 is a FAP recipient, with a group size of one.
- (2) Claimant receives monthly [REDACTED] payments in the gross monthly amount of [REDACTED]

- (3) Claimant had monthly child support expenses of [REDACTED] in October 2009, [REDACTED] in November 2009, and [REDACTED] in December 2009.
- (4) Claimant did not claim any child care or medical expense deductions.
- (5) Claimant has housing expenses in the monthly amount of [REDACTED].
- (6) Claimant has heat and utility expenses separate from his housing expenses.
- (7) On January 11, 2010, the Department completed a FAP budget for February 2010, which included Claimant's income and expenses, and resulted in a monthly FAP allotment of [REDACTED].
- (8) The Department sent Claimant notice that his FAP allotment would decrease on January 11, 2010.
- (9) The Department received Claimant's request for a hearing on January 13, 2010, protesting the amount of his FAP allotment.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (formerly known as the Food Stamp 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), Reference Table Manual (RFT), 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 for duties that were performed for compensation or profit. Unearned

income means all income that is not earned, including but not limited to funds received from the Family Independence Program (FIP), State Disability Assistance (SDA), Child Development and Care (CDC), Medicaid (MA), Social Security Benefits (RSDI/SSI), Veterans Administration (VA), Unemployment Compensation Benefits (UCB), Adult Medical Program (AMA), alimony, and child support payments. 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.

All income is converted to a standard monthly amount. If the client is paid weekly, the Department multiplies the average weekly amount by 4.3. If the client is paid every other week, the Department multiplies the average bi-weekly amount by 2.15. BEM 505.

In this case, Claimant applied for FAP with a group size of one. The Claimant receives [REDACTED] benefits of [REDACTED] per month. The Claimant's monthly child support expenses of [REDACTED] are calculated by calculating a three-month monthly average of his actual child support payments. The Claimant's adjusted gross income of [REDACTED] per month is calculated by subtracting the standard deduction of [REDACTED] and the Claimant's child support expenses from his income. The Claimant's adjusted excess shelter of [REDACTED] is calculated by adding his shelter expenses to the heat and utility standard of [REDACTED], and subtracting half of his adjusted gross income. The Claimant's net countable income of [REDACTED] is calculated by subtracting his excess shelter costs from his adjusted gross income.

Claimant testified that his child support expenses do not change from month to month. Claimant disputed the November 2009 payment of ██████ used to calculate his monthly expenses, but he did not have any evidence that could be used to rebut the Department's records.

A claimant with a group size of one and a net income of ██████ is entitled to a FAP allotment of ██████, 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 acted in accordance with policy computing Claimant's FAP allotment.

DECISION AND ORDER

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

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

/s/ _____
Kevin Scully
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 22, 2010

Date Mailed: March 23, 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.

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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

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