

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: 2010-19280
Issue No: 3015
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 11, 2010
Washtenaw 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 March 11, 2010. Claimant personally appeared and testified along with his wife

[REDACTED].

ISSUE

Did the department correctly determine that the claimants 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. Claimants applied for FAP benefits. Department completed FAP eligibility determination on January 4, 2010. Department found that the claimants' earned income taken from their application exceeded net income limit for FAP.

2. Department denied claimant's FAP application on January 14, 2010.
3. Claimants requested a hearing on January 21, 2010 and wrote on their hearing request that they feel [REDACTED] income at monthly gross of \$1587.04 is lower than the limit of \$1990.00 to qualify. Claimants included pay stubs for [REDACTED] from January, 2010 with their hearing request.

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).

Review of information used by the department to determine claimants' FAP eligibility reveals that the department used income information from claimants' application. Department did include Employment Income page from the application. This page was completed by the claimants stating that [REDACTED] works on an average of 37.5 hour per pay period at \$15.60 per hour, and that she gets paid twice a month. The computation of this income results in gross income of \$1,257.75 per month. Department used earned income figure of \$2515 gross per month on the FAP budget. Department's representative states that the income used in the FAP budget is indeed wrong, and department will re-do the FAP budget.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department incorrectly determined that the claimants had excess income for FAP benefits.

Accordingly, department's action is REVERSED. Department shall:

1. Process claimant's disputed FAP application based on the application filing date.
2. Obtain any additional verifications needed to determine FAP eligibility, in accordance with departmental policy, unless the department already has all of the needed information.
3. Compute a FAP budget for the claimants if all of the verifications are received.
4. Issue the claimant any FAP benefits they are found to be eligible for but did not receive, as a result of incorrect FAP budgeting.
5. Notify the claimants in writing of this determination.

SO ORDERED.

/s/ _____
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 29, 2010

Date Mailed: April 6, 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.

IR/om

cc:

