

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.: 2010-20457
Issue No.: 3002, 3003, 3015
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
March 24, 2010
Wayne County DHS (82)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and 400.37 and Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan, on March 24, 2010. Claimant appeared and testified. [REDACTED], and [REDACTED] [REDACTED], appeared and testified on behalf of the Department of Human Services (DHS).

ISSUE

Whether DHS properly included Claimant's gross Unemployment Insurance (UI) income to calculate Claimant's Food Assistance Program (FAP) benefits?

FINDINGS OF FACT

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

1. Claimant received \$280 per week in gross UI benefits beginning January 16, 2010.
2. DHS counted this as unearned income and included it in calculating her Food Assistance Program (FAP) benefits.
3. DHS reduced Claimant's FAP benefits from \$150 to \$16 per month beginning March 1, 2010.
4. Claimant requested a hearing by written Notice to DHS on February 4, 2010.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP), formerly known as the Food Stamp program, was established by the Food Stamp Act of 1977 and is implemented by Federal regulations found in Title 7 of the Code of Federal Regulations (CFR). DHS administers FAP pursuant to MCL 400.10 *et seq.* and Michigan Administrative Code Rules 400.3001-3015. The DHS FAP policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

In this case, DHS reduced Claimant's FAP benefits based on an increase in her UI benefits.

BEM 500 states that income is a benefit or payment received by an individual which is measured in money. Earned income is income received from another person or organization or from self-employment for duties that were performed for remuneration or profit. Unearned income is all income that is not earned. Gross income is the amount of income before any deductions such as taxes or garnishments. Gross income may be *more* than the actual amount an individual receives. BEM 500, p. 3.

BEM 503 states that unearned income includes UI benefits paid by the Michigan Unemployment Insurance Agency. DHS uses the gross UI benefit amount for purposes of calculating whether and how much FAP benefits a group will receive. The gross UI benefit amount, not the net amount, is to be used in the calculation of benefits. BEM 503, pp. 24-25.

I find that DHS properly included Claimant's gross UI income as countable income for the purpose of calculating the amount of FAP benefits Claimant was to receive. I find that DHS calculated Claimant's countable income correctly. I find that DHS followed its policies and procedures in this process. DHS' action in this case is, therefore, AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that DHS is AFFIRMED. The Department need take no further action.



Jan Leventer
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 7, 2010

Date Mailed: April 7, 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 90 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 mailing 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.

JL/pf

cc:

