

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: 2010-24646
Issue No: 3002
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 1, 2010
Washtenaw County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.0 and MCL 400.27. Claimant's request for a hearing was received on January 20, 2010. After due notice, a telephone hearing was held on Thursday, April 1, 2010.

ISSUE

Whether the Department of Human Services (Department) properly determined 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) The Claimant receives FAP benefits with a group size of two.
- (2) The Claimant received [REDACTED] of earned income for February of 2010.
- (3) The Claimant's received [REDACTED] of unearned income for February of 2010.

(4) The Claimant did not report any medical expenses, dependent care expenses, nor child support expenses.

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

(6) The Department completed Claimant's FAP budget for the certification period of February 1, 2010 to February 28, 2010, and determined that the Claimant would be entitled to a [REDACTED] FAP allotment on a monthly basis.

(7) The Department sent notice of her monthly FAP allotment on January 14, 2010.

(8) The Department received Claimant's hearing request on January 1, 2010, protesting the department's determination of her monthly 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, the Claimant receives FAP benefits as part of a group of two people. Claimant received [REDACTED] in earned income, and received monthly unearned income of [REDACTED], resulting in a total income of [REDACTED] for the month. The Claimant is entitled to deduct an earned income credit, which is 20% of her earned income, and a standard deduction of [REDACTED], resulting in an adjusted gross income of [REDACTED]. An excess shelter deduction of [REDACTED] is determined by taking the Claimant's housing expenses of [REDACTED] per month, plus the heat/utility standard of [REDACTED] and subtracting 50% of her gross adjusted income. Claimant's net income of [REDACTED] is calculated by subtracting her excess shelter deduction from her adjusted gross income.

A claimant with a group size of two and a net income of [REDACTED] is entitled to FAP benefits of [REDACTED], which is the FAP allotment that was granted to the Claimant for this period. This Administrative Law Judge finds that the Department established that it acted in accordance with policy when determining the 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 determining the Claimant's FAP allotment.

The Department's FAP eligibility determination is AFFIRMED, it is SO ORDERED.

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

Date Signed: April 6, 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 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:

